1978

PART IV Sec 2-B

March - December

and Extraordinary

17

PART IV

Section—2-B + Extraordery

KARNATAKA ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 50 LGN 77.

Bangalore, dated 5th December 1978.

Ordered that the **Indian Stamp (Karnataka Amendment) Act, 1978** which received the assent of the President on the Twenty-ninth day of November, 1978 be published as Karnataka Act No. 29 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 29 of 1978

(First published in the Karnataka Gazette on the Seventh Day of December, 1978)

THE INDIAN STAMP (KARNATAKA AMENDMENT) ACT, 1978.

(Received the assent of the President on the Twenty-Ninth day of November 1978)

An Act further to amend the Indian Stamp Act, 1899 in its application to the State of Karnataka.

Whereas it is expedient further to amend the Indian Stamp Act, 1899 (Central Act 2 of 1899) in its application to the State of Karnataka, for the purpose hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth year of the Republic of India as follows: -

1. Short title, extent and commencement.—(1) This Act may be called the Indian Stamp (Karnataka Amendment) Act, 1978.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Insertion of new section 9A.—After section 9 of the Indian Stamp Act, 1899 (Central Act 2 of 1899), the following section shall be inserted, namely :—

"**9A Power of State Government to consolidate duties in respect of receipts.**—Subject to such conditions as may be Specified, the State Government may, by order, provide for the consolidation of duties in respect of any receipts or class of receipts given by any person or class of persons including any Government.",

By order and in the name of the Governor of Karnataka,

R. G. DESAI

Secretary to Government,
Dept. of Law & Parliamentary Affairs.

3

Printed by the Director of Printing Sty. & Publns. at the Govt. Press, B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, THURSDAY, DECEMBER 29, 1977
(PUSHYA 8, SAKA ERA 1899).

No. 1017

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 46 LGN 77.

Bangalore, dated 29th December 1977.

Ordered that the Public Wakfs (Extension of Limitation) (Karnataka Amendment) Ordinance, 1977 promulgated by the Governor of Karnataka, in the Twenty-eighth Year of the Republic of India, be published as Karnataka Ordinance No. 16 of 1977 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 16 OF 1977

THE PUBLIC WAKFS (EXTENSION OF LIMITATION) (KARNATAKA AMENDMENT) ORDINANCE, 1977

(*Promulgated by the Governor of Karnataka in the Twenty-eighth Year of the Republic of India and first published in the* Karnataka Gazette, *Extraordinary on the twenty-ninth day of December 1977*).

An Ordinance further to amended the Public Wakfs (Extension of Limitation) Act, 1959 in its application to the State of Karnataka.

Whereas neither House of the State Legislature is in session and the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action further to amend the Public Wakfs (Extension of Limitation) Act), 1959 (Central Act 29 of 1959) ;

Whereas the instructions of the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Public Wakfs (Extension of Limitation) (Karnataka Amendment) Ordinance, 1977.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force at once.

2. **Amendment of section 3.**—In section 3 of the Public Wakfs (Extension of Limitation) Act, 1959 (Central Act 29 of 1959), for the words, figures and letters "31st day of December, 1977", the words, figures and letters "31st day of December, 1980" shall be substituted.

GOVIND NARAIN,
GOVERNOR OF KARNATAKA.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio *Joint Secretary to Government,*
Dept. of Law and Parly. Affairs.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

Reg. No., KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

Part IV 2-B

BANGALORE, WEDNESDAY, MARCH 8, 1978
(PHALGUNA 17, SAKA ERA 1899).

No. 224

Law and Parliamentary Affairs Secretariat

NOTIFICATION

No. LAW 10 LGN 78, Bangalore, dated 8th March 1978

Ordered that the Karnataka Contingency Fund (Temporary Amendment) Orinance, 1978 promulgated by the Governor of Karnataka in the Twenty-ninth year of the Republic of India, be published as Karnataka Ordinance No. 1 of 1978 in the **Karnataka Gazette** for general information.

KARNATAKA ORDINANCE No. 1 OF 1978.

THE KARNATAKA CONTINGENCY FUND (TEMPORARY AMENDMENT) ORDINANCE, 1978.

(Promulgated by the Governor of Karnataka in the Twenty-ninth year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the eighth day of March 1978).

An Ordinance to provide for a temporary increase of the amount in the Karnataka Contingency Fund.

Whereas neither House of the State Legislature is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for a temporary increase of the amount in the Karnataka Contingency Fund;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. Short title.—This Ordinance may be called the Karnataka Contingency Fund (Temporary Amendment) Ordinance, 1978.

2. Temporary increase of the amount in the Karnataka Contingency Fund.—Notwithstanding anything contained in section 2 of the Karnataka Contingency Fund Act, 1957 (Karnataka Act 11 of 1957), during the period this Ordinance remains in force, a sum of thirty-five crores of rupees shall be paid from and out of the Consolidated Fund of the State into the Contingency Fund of the State of Karnataka.

GOVIND NARAIN,
Governor of Karnataka.

By Order and in the name of the Governor of Karnataka.

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, Bijore.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, FRIDAY, MARCH 31, 1978
(CHAITRA 10, SAKA ERA 1900).

No. 329

Law and Parliamentary Affairs Secretariat

Notification No. LAW 88 LGN 77.

Bangalore, dated 31st March 1978.

Ordered that the **Public Wakfs (Extension of Limitation) (Karnataka Amendment) Act, 1978** which received the assent of the President on the Thirtieth day of March, 1978 be published as Karnataka Act No. 4 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 4 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the thirty-first day of March,* 1978)

THE PUBLIC WAKFS (EXTENSION OF LIMITATION) (KARNATAKA AMENDMENT) ACT, 1978.

(Received the assent of the President on the thirtieth day of March, 1978)

An Act further to amend the Public Wakfs (Extension of Limitation) Act, 1959 in its application to the State of Karnataka.

Whereas it is expedient further to amend the Public Wakfs (Extension of Limitation) Act, 1959 (Central Act 29 of 1959) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Public Wakfs (Extension of Limitation) (Karnataka Amendment) Act, 1978.

(2) It extends to the whole of the State of Karnataka.

(3) It shall be deemed to have come into force on the Twenty-ninth day of December 1977.

2. **Amendment of section 3.**—In section 3 of the Public Wakfs (Extension of Limitation) Act, 1959 (Central Act 29 of 1959) (hereinafter referred to as the principal Act) for the words, figures and letters "31st day of December, 1977", the words, figures and letters "31st Day of December, 1980" shall be substituted.

3. **Repeal of Karnataka Ordinance No. 16 of 1977.**—(1) The Public Wakfs (Extension of limitation) (Karnataka

Amendment) Ordinance, 1977 (Karnataka Ordinance 16 of 1977) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Regd. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2 B

BANGALORE, THURSDAY, MARCH 30, 1978
(CHAITRA 9, SAKA ERA 1900).

No. 325

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 15 LGN 78.

Bangalore, dated 30th March 1978.

Ordered that the Karnataka Appropriation Act, 1978 which received the assent of the Governor on the Thirtieth day of March 1978 be published as Karnataka Act No. 1 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 1 OF 1978.

(First published in the Karnataka Gazette *on the Thirtieth day of March, 1978.*

THE KARNATAKA APPROPRIATION ACT, 1978.

(Received the assent of the Governor on the Thirtieth day of March 1978).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1977-78.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1977-78.

BE it enacted by Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Karnataka Appropriation Act, 1978.

2. Issue of rupees 2,08,79 45,000 out of the Consolidated Fund of the State for the financial year 1977-78.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of two hundred and eight crores, seventy-nine lakhs and forty-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1977-78, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(See Sections 2 and 3)

No. of Vote	Services and Purposes	Sums not exceeding		
		Voted	Charged	Total
1	2	3	4	5
2	Governor, Ministers and Public Service Commission		70,000	70,000
3	Administration of Justice ...	...	6,00,000	6,00,000
4	Taxes on Income, Professions, Sales and other Services ...	1,10,000		1,10,000
5	Land Revenue, etc., ...	1,000	70,000	71,000
6	Stamps and Registration ...	15,00,000	...	15,00,000
7	State Excise ...	...	90,000	90,000
9	Miscellaneous General Services ...	50,00,000	7,00,000	57,00,000

SCHEDULE—*(Contd.)*

No. of Vote	Service and Purpose	Sums not exceeding		
		Voted	Charged	Total
1	2	3	4	5
...	Interest Payments ...		2,20,00,000	2,20,00,000
10	Secretariat ...	1,000		1,000
13	Police and Fire Services ...	1,000		1,000
15	Stationery and Printing and Development of Kannada ...	1,000		1,000
16	Public Works (excluding Construction) ...	1,000		1,000
17	Buildings ...	55,48,000		55,48,000
18	Bangalore Development Authority and other Services ...	3,000		3,000

19	Pension and Other Retirement Benefits ...	50,00,000		50,00,000
20	Higher Education and Wakfs ...	2,93,42,000		2,93,42,000
21	Youth Services, Art and Culture ...	1,000	...	1,000
22	Primary and Secondary Education ...	4,000	80,000	84,000
23	Medical Services and Family Welfare ...	2,000	67,000	69,000
25	Public Health and Engineering ...	2,000	15,000	17,000
26	Housing(Exluding Residential Buildings)	2,05,02,000		2,05,02,000
27	Urban Development ...	19,42,000		19,42,000
28	Information and Publicity ...	30,62,000		30,62,000
30	Social Security and Welfare (excluding Women and Children Welfare)	2,28,50,000		2,28,50,000
31	Women and Children Welfare ...	1,000		1,000
34	Insurance and Pensions under Social Security Schemes ...	1,50,00,000		1,50,00,000
35	Relief on Account of Natural Calamities ...	3,000		3,000
	Religious and Charitable Institutions, etc.	16,45,000	...	16,45,000

SCHEDULE—(*Contd.*)

No. of Vote	Service and Purposes	Sums not exceeding		
		Voted	Charged	Total
1	2	3	4	5
37	Co-operation (Excluding Regulated Markets) ...	3,56,83,000	...	3,56,83,000
38	Regulated Markets ...	1,000		1,000
39	Agriculture (Excluding Horticulture and Drought Prone Areas Programmes)	1,000		1,000
40	Horticulture ...	9,00,000		9,00,000
41	Minor Irrigation ...	2,97,01,000		2,97,01,000
42	Soil and Water Conservation ...	8,53,34,000		8,53,34,000
44	Food and Civil Supplies ...	2,000		2,000
45	Animal Husbandry and Dairy Development ...	1,89,50,000	11,000	1,89,61,000

46	Fisheries	...	2,000		2,000
47	Forest	...	1,000		1,000
48	Community Development	...	3,34,31,000		3,34,31,000
50	Industries and Mines and Geology (Excluding Small Scale Industries and Sericulture)	...	6,04,97 000		6,04,97,000
51	Small Scale Industries	...	1,39,16,000		1,39,16,000
52	Sericulture	...	69,00,000		69,00,000
53	Irrigation, Navigation, Drainage and Flood Control Projects	...	10,83,14,000	88,00,000	11,71,14,000
54	Power Projects	...	7,27,14,000	2,73,000	7,29,87,000
55	Ports and Water Transport Services	...	66,73,000		66,73,000
56	Roads and Bridges	...	8,000	...	8,000
57	Road Transport and Tourism	...	28,69,000	8,00,000	36,69,000
...	Internal Debt Loans from Central Government and Inter-State Settlement.			1,46,69,49,000	1,46,69,49,000

1	2		3	4	5
59	Loans to Government Servants and Miscellaneous Loans	...	1,000	...	1,000
		Total ...	58,74,20,000	1,50,05,25,000	2,08,79,45,000

By Order and in the name of the Governor of Karnataka,

K. R. CHANIAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Stg. & at the Press.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, THURSDAY, MARCH 30, 1978
(CHAITRA 9, SAKA ERA 1900).

No. 326

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 16 LGN 78

Bangalore, dated 30th March 1978.

Ordered that the **Karnataka Appropriation (Vote on Account) Act, 1978** which received the assent of the Governor on the Thirtieth day of March, 1978 be published as Karnataka Act No. 2 of 1978 in the *Karnataka Gazette*, for general information

KARNATAKA ACT No. 2 of 1978

(First published in the Karnataka Gazette Extraordinary on the Thirtieth day of March, 1978).

THE KARNATAKA APPROPRIATION (VOTE ON ACCOUNT) ACT, 1978.

(Received the assent of the Governor on the Thirtieth day of March, 1978)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Karnataka for the services of a part of the financial year 1978-79.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of a Part of the financial year 1978–79.

BE it enacted by Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title–This Act may be called the Karnataka Appropriation (Vote on Account) Act, 1978.

2. Issue of rupees 434,74,00,000 out of the Consolidated Fund of the State of Karnataka for the financial year 1978-79—From and out of the Consolidated Fund of the State of Karnataka, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Four Hundred Thirty Four Crores and Seventy Four lakhs only towards defraying the several charges which will come in course of payment during part of the financial year 1978–79, in respect of the services specified in column 2 of the Schedule.

3. Appropriation—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Karnataka by this Act shall be appropriated for the service and purpose expressed in the Schedule in relation to the said year.

SCHEDULE

(*See* Sections 2 and 3)

No. of Vote	Service and Purpose	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2	3		4
1	Agriculture (Excluding Horticulture and Drought-Prone Area Programme)...	6,59,00,000	10,000	6,59,10,000
2	Horticulture ...	1,17,00,000	10,000	1,17,10,000
3	Soil and Water Conservation ...	3,15,00,000	2,000	3,15,02,000
4	Animal Husbandry and Dairy Development.	4,72,00,000	4,000	4,72,04,000
5	Industries (Excluding Small Scale Industries and Sericulture) ...	11,45,00,000	22,000	11,45,22,000
6	Mines and Geology ...	92,00,000	9,000	92,09,000
7	Small Scale Industries ...	2,66,00,000	10,000	2,66,10,000
8	Sericulture ...	1,36,00,000	1,000	1,36,01,000

SCHEDULE (*Contd.*)

No. of Vote	Service and Purpose	Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3		4
9	Stationery and Printing ...	1,03,00,000	...	1,03,00,000
10	Higher Education ...	8,20,00,000	10,000	8,20,10,000
11	Youth Services, and Academies ...	1,30,00,000	3,000	1,30,03,000
12	Primary and Secondary Education ...	38,45,00,000	5,000	38,45,05,000
...	Appropriation for Reduction or Avoidance of Debt. ...		6,68,00,000	6,68,00,000
...	Interest Payments ...		17,84,00,000	17,84,00,000
...	Internal Debt, Loans from Central Government and Inter State Settlement. ...		83,90,00,000	83,90,00,000
13	Taxes on Income, Profession, Sales and other Services ...	1,18,00,000	20,000	1,18,20,000
14	Treasury and Accounts Administration ...	72,00,000	3,000	72,03,000
15	Pension and Other Retirement Benefits ...	8,70,00,000	14,00,000	8,84,00,000

16	Loans to Government Servants and Miscellaneous loans	...	4,92,00,000		4,92,00,000
17	Insurance and Pensions under Social Security Schemes	...	3,24,00,000	...	3,24,00,000
18	Miscellaneous General Services	...	96,00,000	14,000	96,14,000
19	Food and Civil Supplies	...	11,68,00,000	3,000	11,68,03,000
20	Forest	...	7,13,00,000	44,00,000	7,57,00,000
21	State Excise	...	1,40,00,000	25,000	1,40,25,000
22	Taxes on Vehicles	...	35,00,000	3,000	35,03,000
23	Police and Fire Services	...	9,16,00,000	20,000	9,16,20,000
24	Jails	...	58,00,000	4,000	58,04,000
25	Information and Publicity	...	62,00,000	4,000	62,04,000
26	Road Transport and Tourism	...	45,00,000	6,00,000	51,00,000
27	Medical Services and Family Welfare	...	14,45,00,000	8,000	14,45,08,000
28	Public Health and Sanitation	...	2,68,00,000	4,000	2,68,04,000
29	Housing (Excluding Government Residential Buildings)	...	5,80,00,000	...	5,80,00,000

THE SCHEDULE (*Contd.*)

No. of Vote	Service and Purpose		Service and Purpose		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2		3		4
30	Urban Development	...	4,70,00,000		4,70,00,000
31	Minor Irrigation	...	7,96,00,000		7,96,00,000
32	Irrigation, Navigation, Drainage and Flood Control projects	...	50,52,00,000	40,00,000	50,92,00,000
33	State Legislature	...	26,00,000	1,00,000	27,00,000
34	Administration of Justice	...	1,78,00,000	26,00,000	2,04,00,000
35	Elections	...	20,00,000	4,000	20,04,000
36	Governor, Ministers and Public Service Commission	...	16,00,000	16,00,000	32,00,000
37	Secretariat	...	1,30,00,000	10,000	1,30,10,000

38	District Administration ...	1,82,00,000	10,000	1,82,10,000
39	Bangalore Development Authority and other Services ...	1,50,00,000	24,000	1,50,24,000
40	Area Development ...	2,40,00,000	...	2,40,00,000
41	Public Works (excluding Construction) ...	8,70,00,000	60,000	8,70,60,000
42	Buildings ...	4,82,00,000	2,00,000	4,84,00,000
43	Roads and Bridges ...	10,55,00,000	85,00,000	11,40,00,000
44	Public Health Engineering ...	3,65,00,000	5,000	3,65,05,000
45	Ports and Water Transport Services ...	88,00,000	5,000	88,05,000
46	Power Projects ...	25,20,00,000	2,000	25,20,02,000
47	Land Revenue, etc., ...	13,40,00,000	5,00,000	13,45,00,000
48	Stamps and Registration ...	46,00,000	4,000	46,04,000
49	Relief on account of Natural Calamities...	36,00,000		36,00,000
50	Rehabilitation Schemes ...	15,00,000		15,00,000
51	Religious and Charitable Institutions etc.	15,00,000		15,00,000
52	Wakfs ...	8,00,000	..	8,00,000
53	Co-operation, (Excluding Regulated Markets) ...	5,80,00,000	26,000	5,80,26,000
54	Regulated Markets ...	57,00,000	1,000	57,01,000

1	2		3		4
55	Community Development	...	5,42,00,000	7,000	5,42,07,000
56	Drought-Prone Areas Programme	...	3,92,00,000		3,92,00,000
57	Compensation and Assignments to Local Bodies and Panchayatiraj Institutions	...	3,10,00,000	5,00,000	3,15,00,000
58	Labour and Employment	...	1,08,00,000	3,000	1,08,03,000
59	Social Security and Welfare (excluding Women and Children's Welfare)	...	4,42,00,000	26,000	4,42,26,000
60	Women and Children's Welfare	...	1,82,00,000	18,000	1,82,18,000
61	Fisheries	...	1,69,00,000	1,000	1,69,01,000
	Grand Total		323,84,00,000	110,90,00,000	434,74,00,000

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2 B

BANGALORE, SATURDAY, APRIL, 1, 1978
(CHAITRA 11, SAKA ERA 1900).

No. 834

Law and Parliamentary Affairs Secretariat

Notification No. LAW 61 LGN 77,
Bangalore, dated 1st April 1978

Ordered that the Karnataka Radio and Electrical Manufacturing Company (Acquisition of Shares) Act, 1978 which received the assent of the President on the First day of April 1978 be published as Karnataka Act No. 5 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 5 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the First day of April,* 1978)

THE KARNATAKA RADIO AND ELECTRICAL MANUFACTURING COMPANY (ACQUISITION OF SHARES) ACT 1978.

(*Received the assent of the President on the first day of April,* 1978)

An Act to provide for the acquisition of shares of the Radio and Electrical Manufacturing Company.

Whereas for various reasons the Radio and Electrical Manufacturing Company has been incurring losses continuously, but the goods produced by the said company are vital to the needs of the country and it is necessary to secure the continuity and development of production of the said goods ;

Whereas investment of large amounts of money is necessary for the maintenance and development of production of the company ;

Whereas acquisition by the State Government of an effective control over the affairs of the company in public interest is necessary to enable it to make the investment aforesaid ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. ***Short title and commencement.*****—(1) This Act may be called the Karnataka Radio and Electrical Manufacturing Company (Acquisition of Shares) Act, 1978.**

(2) It shall be deemed to have come into force on the thirteenth day of October, 1977.

2. *Definitions.*—In this Act, unless the context otherwise requires.—

(a) "appointed day" means the date of commencement of this Act;

(b) "bank" means a banking company within the meaning of the Banking Regulation Act, 1949;

(c) "company" means the Radio and Electrical Manufacturing Company Limited, being a Company within the meaning of the Companies Act, 1956, and having its registered office at Bangalore;

(d) "Commissioner" means the Commissioner of Payments appointed under section 5;

(e) "Government" means the State Government;

(f) "share" means a share in the capital of the company and includes a share pledged by any shareholder with any bank or other creditor;

(g) "shareholder" means—

(i) a person who, immediately before the appointed day; was registered by the Company as the holder of any share and includes his legal representative; or

(ii) a person who, before the appointed day, had lodged with the Company a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956 (Central Act 1 of 1956) and executed in accordance with the provisions of that section; or

(iii) a person who claims under a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956 (Central Act 1 of 1956), which was executed before the appointed day and delivers such instrument to the Commissioner on or before such date as the Government may, by notification, specify in this behalf.

(h) "specified date" means such date as the Government may, for the purpose of any provision of this Act, by notification, specify.

CHAPTER II

ACQUISITION OF THE SHARES OF THE COMPANY

3. *Transfer and vesting of shares of the company in the Government.*—(1) On the appointed day, all the shares of the company except those held by the Government the Karnataka State Industrial Investment Development Corporation and the Bharath Heavy Electrical Limited, shall, by virtue of this Act stand transferred to, and vest in the Government.

(2) The Government shall be deemed, on and from the appointed day, to have been registered in the Register of members of the company as the holder of each share which stands transferred to, and vested in it, by virtue of the provisions of sub-section (1).

(3) All the shares which have vested in the Government under sub-section (1), shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other encumbrances affecting them, and any attachment, injunction, decree or order of any court. tribunal or other authority restricting the use of such shares in any manner shall be deemed to have been withdrawn.

(4) For the removal of doubts, it is hereby declared that the provisions of sub-sections (1) and (2) shall not be deemed to affect,—

(a) any right of the company, subsisting immediately before the appointed day, against any shareholder to recover from such shareholder any sum of money on the ground that the shareholder has not paid or credited to the company the whole or any part of the value of the shares held by him, on any other ground whatsoever ; or

(b) any right of the shareholder subsisting, immediately before the appointed day, against the company to receive any dividend or other payment due from the company.

4. *Payment of amount.*—(1) For the transfer to, and vesting in, the Government under section 3. of the shares

of the company, there shall be given by the Government to the shareholders of the company and other interested persons, in cash, and in the manner specified in section 6, an amount of rupees three per share.

(2) The amount referred to in sub-section (1) shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Government to the Commissioner.

5. *Appointment of Commissioner of Payments.*—(1) The Government shall, for the purpose of disbursing the amounts payable under section 4, by notification, appoint a Commissioner of Payments.

(2) The Government may appoint such other persons as it may think fit to assit the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect, as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section, shall be defrayed out of the Consolidated Fund of the State.

6. *Payment by the Government to the Commissioner.*—(1) The Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the shareholders of the Company and other interested persons,—

(*a*) an amount equal to the amount payable under sub-section (1) of section 4; and

(b) an amount equal to the amount determined under sub-section (2) of section 4.

(2) A deposit account shall be opened by the Government in favour of the Commissioner in the public account of the State and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the shareholders of the Company and other interested persons.

7. *Claims to be made to the Commissioner.*—Every person interested in and having a claim, in relation to any share acquired by this Act, either as holder of such share or as holder of any encumbrance or charge over such share immediately before the appointed day, shall prefer such claim before the Commissioner within thirty days from the specified date indicating the nature of his interest in such share :

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

8. *Examination of claims.*—On receipt of the claims made under section 7, the Commissioner shall examine the claims in relation to each share.

9. *Admission or rejection of claims.*—(1) After examining the claims. the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days notice of the date so fixed shall be given by advertisement in one issue of a

daily newspaper in the English language and one issue of a daily newspaper in the Kannada language having wide circulation and every such notice shall call upon the claimant to file the proof of his claim with the commissioner within the time specified in the advertisement.

(3) Every claimant, who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary, and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, determine the nature and extent of such claims and admit or reject the claim in whole or in part. The Commissioner shall also decide any dispute as to the person or persons who are entitled to the amount and any dispute as to who are the legal representatives of any deceased claimant.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge, of his functions, and shall, for the purpose of making an investigation under this Act have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any witness and examining him on oath ;

(b) the discovery and production of any document ;

(c) the reception of evidence on affidavits ;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the

purposes of section 345 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the district court within the local limits of whose jurisdiction the registered office of the company is situate.

10. *Disbursement of the amount by the Commissioner to the claimants.*—(1) After admitting a claim under this Act the amount due in respect of each share acquired by virtue of this Act shall be paid by the Commissioner at the rate of rupees three per share to the person or persons to whom such sums are due and on such payment, the liability of the Government in respect of the shares so acquired shall stand discharged.

(2) The Commissioner shall also apportion amongst the claimants the amount paid to him by way of interest under sub-section (3) of section 6 and such apportionment shall be made on the basis of the amount due to each claimant.

11. *Undisbursed or unclaimed amount to be deposited to the general revenue account.*—Any amount paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the first day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Government ; but a claim to any amount so transferred may be preferred to the Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of revenue.

12. *Power of inspection.*—For the purposes of ascertaining whether any person claiming payment under this Act is entitled thereto the Commissioner shall have the right to,—

(a) require any person, having the possession, custody or control of any register or record of the company, to produce such register or record before the Commissioner;

(b) require any person to make any statement or furnish any information which may be required by the Commissioner.

13. *Transfer of the acquired shares.*—The Government shall, consistent with the provisions of the Companies Act, 1956, as soon as may be, after the vesting of the shares under Section 3 transfer the shares so vested in favour of Government Companies as defined under section 617 of the Companies Act, 1956 or Corporations owned wholly by the State or Central Government.

CHAPTER III

MISCELLANEOUS

14. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any law or instrument having effect by virtue of any law, other than this Act.

15. *Penalties.*—If any person,—

(a) makes any claim for payment under this Act knowing or having reason to believe that such claim is false or without any basis; or

(b) when required under this Act so to do,—

(i) omits or fails to produce any register or record the Company; or

(ii) makes any statement or furnishes any information which is false in any material particular and which he knows or believes to be false or does not believe to be true; or

(c) makes any such statement as aforesaid in any book account, record, register, return or other document.

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend two thousand rupees, or with both.

16. *Offences by companies.*– (1) Where an offence under this Act has been committed by a company every person who, at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals ; and

(b) "director" in relation to a firm, means a partner in the firm.

17. *Cognizance of offences.*—No court shall take cognizance of an offence punishable under this Act except with the previous sanction of the Government or of officer authorised by it in this behalf.

18. *Power to make rules.*—(1) The Government may by notification, make rules to carry out the purposes of this Act.

(2) Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

20. *Repeal of Karnataka Ordinance No.* 11 *of* 1977.—(1) The Karnataka Radio and Electrical Manufacturing Company (Acquisition of Shares) Ordinance, 1977 (Karnataka Ordinance, No. 11 of 1977) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

((EXTRAORDINARY))

PART IV—2-B

BANGALORE, SATURDAY, APRIL 1, 1978
(CHAITRA 11, SAKA ERA 1900).

No. 335

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 60 LGN 77,
Bangalore, dated 1st April 1978

Ordered that the Mysore Porcelains Limited (Acquisition of Shares) Act, 1978 which received the assent of the President on the First day of April, 1978 be published as Karnataka Act No. 6 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 6 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the First day of April*, 1978)

THE MYSORE PORCELAINS LIMITED (ACQUISITION OF SHARES) ACT, 1978

(*Received the assent of the President on the first day of April*, 1978)

An Act to provide for the acquisition of certain shares of the Mysore Porcelains Limited.

Whereas the working of the Mysore Porcelains Limited has not been satisfactory but the goods produced by the said company are vital to the needs of the country and it is necessary to secure the continuity and development of production of the said goods ;

Whereas investment of a large amount of money is necessary for the maintenance and development of the production of the company ;

Whereas acquisition by the State Government of an effective control over the affairs of the company in public interest is necessary to enable it to make the investment aforesaid ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Mysore Porcelains Limited (Acquisition of Shares) Act, 1978.

(2) It shall be deemed to have come into force on the thirteenth day of October, 1977.

2. **Definitions.**—In this Act, unless the context otherwise requires—

(a) "appointed day" means the date of commencement of this Act ;

(b) "bank" means a banking company within the meaning of the Banking Regulation Act, 1949 ;

(c) "company" means the Mysore Porcelains Limited, being a company within the meaning of the Companies Act, 1956 and having its registered office at Bangalore ;

(d) "Commissioner" means the Commissioner of Payments appointed under section 5 ;

(e) "Government" means the State Government ;

(f) "share" means a share in the capital of the company, and includes a share pledged by any shareholder with any bank or other creditor ;

(g) "shareholder" means—

(i) a person who, immediately before the appointed day, was registered by the Company as the holder of any share and includes his legal representative ; or

(ii) a person who, before the appointed day, had lodged with the Company a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956 (Central Act 1 of 1956) and executed in accordance with the provisions of that section ; or

(iii) a person who claims under a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956 (Central Act 1 of 1956), which was executed before the appointed day and delivers such instrument to the Commissioner on or before such date as the Government may, by notification, specify in this behalf.

(h) "specified date" means such date as the Government may, for the purpose of any provision of this Act, by notification, specify.

CHAPTER II

ACQUISITION OF THE SHARES OF THE COMPANY

3. Transfer and vesting of shares of the Company in the Government.—(1) On the appointed day all the shares of the company except those held by the Government, the Karnataka State Industrial Investment Development Corporation and the Bharath Heavy Electricals Limited, shall, by virtue of this Act, stand transferred to, and vest in the Government.

(2) The Government shall be deemed, on and from the appointed day, to have been registered in the Register of members of the company as the holder of each share which stands transferred to, and vested in it, by virtue of the provisions of sub-section (1).

(3) All the shares which have vested in the Government under sub-section (1), shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other encumbrances affecting them, and any attachment, injunction, decree or order of any court, tribunal or other authority restricting the use of such shares in any manner shall be deemed to have been withdrawn.

(4) For the removal of doubts, it is hereby declared that the provisions of sub-sections (1) and (2) shall not be deemed to affect—

(a) any right of the company, subsisting immediately before the appointed day, against any shareholder to recover from such shareholder any sum of money on the ground that the shareholder has not paid or credited to the company the whole or any part of the value of the shares held by him, or on any other ground whatsoever ; or

(b) any right of the shareholder subsisting, immediately before the appointed day, against the company to receive any dividend or other payment due from the company.

4. Payment of amount.—(1) For the transfer to, and vesting in, the Government under section 3, of the shares of the company, there shall be given by the Government to the shareholders of the company and other interested persons, in cash, and in the manner specified in section 6 an amount of one hundred rupees per share.

(2) The amount referred to in sub-section (1) shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Government to the Commissioner.

5. Appointment of Commissioner of Payments.—(1) The Government shall for the purpose of disbursing the amount payable under section 4, by notification, appoint a Commissioner of Payments.

(2) The Government may appoint such other persons as it may think fit to assist the Commissioner and there upon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of the State.

6. Payment by the Government to the Commissioner.—(1) The Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner for payment to the shareholders of the company and other interested persons—

(*a*) an amount equal to the amount payable under sub-section (1) of section 4 ; and

(*b*) an amount equal to the amount determined under sub-section (2) of section 4.

(2) A deposit account shall be opened by the Government in favour of the Commissioner in the public account of the State and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the shareholders of the company and other interested persons.

7. Claims to be made to the Commissioner.—Every person interested in and having a claim in relation to any share acquired by this Act either as holder of such share or as holder of any encumbrance or charge over such share immediately before the appointed day, shall prefer such claim before the Commissioner within thirty days from the specified date indicating the nature of his interest in such share:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

8. Examination of claims.—On receipt of the claims made under section 7, the Commissioner shall examine the claims in relation to each share.

9. Admission or rejection of claims.—(1) After examining the claims, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of a

daily newspaper in the English language and one issue of a daily newspaper in the Kannada language having wide circulation, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant, who fails to file the proof of his claim, within the time specified by the Commissioner shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary, and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, determine the nature and extent of such claims and admit or reject the claim in whole or in part. The Commissioner shall also decide any dispute as to the person or persons who are entitled to the amount and any dispute as to who are the legal representatives of any deceased claimant.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, and shall, for the purpose of making an investigation under this Act have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of any witness and examining him on oath ;

(*b*) the discovery and production of any document;

(*c*) the reception of evidence on affidavits ;

(*d*) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purposes of section 345 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the district court within the local limits of whose jurisdiction the registered office of the company is situate.

10. Disbursement of the amount by the Commissioner to the claimants.–(1) After admitting a claim under this Act the amount due in respect of each share acquired by virtue of this Act shall be paid by the Commissioner at the rate of one hundred rupees per share to the person or persons to whom such sums are due and on such payment the liability of the Government in respect of the shares so acquired shall stand discharged.

(2) The Commissioner shall also apportion amongst the claimants the amount paid to him by way of interest under sub-section (3) of section 6, and such apportionment shall be made on the basis of the amount due to each claimant.

11. Undisbursed or unclaimed amount to be deposited to the general revenue account.—Any amount paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the first day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Government ; but a claim to any amount so transferred may be preferred to the Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of revenue.

12. Power of inspection.—For the purposes of ascertaining whether any person claiming payment under this Act is entitled thereto, the Commissioner shall have the right to—

(a) require any person, having the possession, custody or control of any register or record of the company, to produce such register or record before the Commissioner ;

(b) require any person to make any statement or furnish any information which may be required by the Commissioner.

13. Transfer of the acquired shares.—The Government shall, consistent with the provisions of the Companies Act, 1956, as soon as may be, after the vesting of the shares under section 3, transfer the shares so vested, in favour of Government companies as defined under section 617 of the Companies Act, 1956 or Corporations owned wholly by the State or Central Government.

CHAPTER III

MISCELLANEOUS

14. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any law or instrument having effect by virtue of any law other than this Act.

15. Penalties.—If any person,—

(a) makes any claim for payment under this Act knowing or having reason to believe that such claim is false or without any basis ; or

(b) when required under this Act so to do,—

(i) omits or fails to produce any register or record of the company ; or

(ii) makes any statement or furnishes any information which is false in any material particular and which he knows or believes to be false or does not believe to be true ; or

(c) makes any such statement as aforesaid in any book, account, record, register, return or other document,

he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

16. Offences by Companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, or other officer such director, manager, secretary or other officer, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section.—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

17. Cognizance of offences.—No court shall take cognizance of an offence punishable under this Act, except with the previous sanction of the Government or of an officer authorised by it in this behalf.

18. Power to make rules.—(1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so,

however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. Power to remove difficulties.—If any difficulty arises in giving effect to the provision of this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

20. Repeal of Karnataka Ordinance No. 10 of 1977.—(1) The Mysore Porcelains Limited (Acquisition of Shares) Ordinance, 1977 (Karnataka Ordinance No. 10 of 1977) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

Part IV—2-B

BANGALORE, SATURDAY, APRIL 1, 1978
(CHAITRA 11, SAKA ERA 1900).

No. 339

Law and Parliamentary Affairs Secretariat

Notification No. LAW 62 LGN 77
Bangalore, dated 1st April 1978

Ordered that the Karnataka Societies Registration **(Amendment)** Act, 1978, which received the assent of the **Governor** on the First day of April, 1978 be published Karnataka Act No. 7 of 1978 in the *Karnataka Gazette* **for general information.**

KARNATAKA ACT No. 7 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the First day of April,* 1978)

THE KARNATAKA SOCIETIES REGISTRATION (AMENDMENT) ACT, 1978

(*Received the assent of the Governor on the first day of April,* 1978)

An Act further to amend the Karnataka Societies Registration Act, 1960.

Whereas it is expedient further to amend the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Societies Registration (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the twenty-ninth day of September, 1977.

2. Amendment of section 2.—In section 2 of the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) (hereinafter referred to as the principal Act), for clause (*e*), the following clause shall be substituted, namely :—

"(*e*) 'Registrar' means such officer as the State Government may, by notification, appoint to perform the duties and functions of the Registrar under this Act, in such area as may be specified in the notification, and where no such officer is appointed, the Inspector General of Registration in Karnataka".

3. Amendment of section 3.—In section 3 of the principal Act, in clause (*c*), the words "other than horse racing" shall be omitted.

4. Amendment of section 27A .—In section 27A of the principal Act,—

(1) in the proviso to sub-section (1), for the words "two years" the words "four years" shall be substituted ;

(2) after sub-section (5), the following sub-section shall be inserted, namely :—

"(5A) The State Government may, if it thinks fit, appoint an Advisory Council to advise and assist the administrator appointed under sub-section (1) in the exercise of the powers and performance and discharge of the duties and functions conferred or imposed on him under this Act. The members of the Advisory Council shall hold office during the pleasure of the State Government."

5. Substitution of expression 'Karnataka Appellate Tribunal' for the expression 'Karnataka Revenue Appellate Tribunal.'—In the principal Act, for the words "Karnataka Revenue Appellate Tribunal" wherever they occur the words "Karnataka Appellate Tribunal" shall be substituted.

6. Repeal of Karnataka Ordinance No. 8 of 1977.—(1) The Karnataka Societies Registration (Amendment) Ordinance, 1977 (Karnataka Ordinance No. 8 of 1977) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2 B

BANGALORE, SATURDAY, APRIL 1. 1978
(CHAITRA 11, SAKA ERA 1900).

No. 337

Law and Parliamentary Affairs Secretariat

Notification No. LAW 79 LGN 77,
Bangalore, dated 1st April 1978

Ordered that the Karnataka Civil Courts (Amendment) Act, 1978 which received the assent of the Governor on the First day of April, 1978 be published as Karnataka Act No. 8 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 8 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the First day of April,* 1978)

THE KARNATAKA CIVIL COURTS (AMENDMENT) ACT, 1978

(Received the assent of the Governor on the first day of April, 1978)

An Act further to amend the Karnataka Civil Courts (Amendment) Act, 1976.

WHEREAS it is expedient further to amend the Karnataka Civil Courts (Amendment) Act, 1976 (Karnataka Act 81 of 1976) ;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Civil Courts (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the fifteenth day of December, 1977.

2. Amendment of section 1.—For sub-section (2) of section 1 of the Karnataka Civil Courts (Amendment) Act, 1976 (Karnataka Act 81 of 1976) (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely :—

"(2) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of the Act."

3. Omission of sections 4, 5 and 10.—In the principal Act, sections 4, 5 and 10 shall be omitted.

4. Repeal of Karnataka Ordinance No. 12 of 1977.—The Karnataka Civil Courts (Amendment) Ordinance, 1977 (Karnataka Ordinance 12 of 1977) is hereby repealed.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and **Ex-Officio**
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Stg. & Publications, at the Govt. Press, Bhtr.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, SATURDAY, APRIL 1, 1978
(CHAITRA 11, SAKA ERA 1900).

No. [illegible]

Law and Parliamentary Affairs Secretariat

Notification No. LAW 82 LGN 77.

Bangalore, dated 1st April 1978

Ordered that the Karnataka State Universities (Amendment) Act, 1978, which received the assent of the Governor on the First day of April, 1978 be published as Karnataka Act No. 9 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 9 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the First day of April,* 1978)

THE KARNATAKA STATE UNIVERSITIES (AMENDMENT) ACT, 1978.

(*Received the assent of the Governor on the first day of April,* 1978)

An Act further to amend the Karnataka State Universities Act, 1976.

WHEREAS it is expedient further to amend the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) for the purposes hereinafter appearing ;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement :—(1) This Act may be called the Karnataka State Universities (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the twenty fourth day of December 1977.

2. Amendment of section 21 :—In section 21 of the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) (hereinafter referred to as the principal Act), in sub-section (1),—

(i) in clause (6), for the words "Languages and Development of Kannada", the words "Kannada and Culture" shall be substituted ;

(ii) in clause (22), after the words "from among undergraduate students for a term of one year" the following words and brackets shall be inserted, namely:—

" and such representatives shall be elected by such election (direct or otherwise) and in such manner as may be prescribed by the statutes."

3. **Amendment of section 49.**—In sub-section (2) of section 49 of the principal Act,—

(i) in item (ii) of clause (a), the following shall be added at the end, namely :—

"and where no such Professor is available in any University within the State, such Professor in the concerned Department from a Central Institute within the State or from a University in any other State, nominated by the Chancellor."

(ii) in item (iv) of clause (b), the following shall be added at the end namely :—

"and where no such Professor is available in any University within the State, such Professor in the concerned Department from a University in any other State, nominated by the Chancellor."

4. **Amendment of section 54.**—In sub-section (1) of section 54 of the principal Act for the words "Any institution in", the words "Any Institution situated within or outside" shall be substituted.

5. **Repeal of Karnataka Ordinance No. 13 of 1977.**—(1) The Karnataka State Universities (Third Amendment) Ordinance, 1977 (Karnataka Ordinance No. 13 of 1977) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, FRIDAY, MARCH 31, 1978
(CHAITRA 10, SAKA ERA 1900). | **No. 828**

Law and Parliamentary Affairs Secretariat

Notification No. LAW 84 LGN 77.

Bangalore, dated 31st March 1978.

Ordered that the **Karnataka Rent Control (Amendment) Act, 1978** which received the assent of the President on the Thirtieth day of March 1978 be published as **Karnataka Act No.** 3 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 3 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the thirty-first day of March,* 1978)

THE KARNATAKA RENT CONTROL (AMENDMENT) ACT, 1978

(Received the assent of the President on the thirtieth day of March, 1978)

An Act further to amend the Karnataka Rent Control Act, 1961.

Whereas it is expedient further to amend the Karnataka Rent Control Act 1961 (Karnataka Act 22 of 1961) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of Republic of India, as follows:—

1. Short title and commencement. —(1) This Act may be called the Karnataka Rent Control (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the Twenty-fourth day of December 1977.

2. Amendment of section 1.—In sub-section (4) of section 1 of the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961), for the words and figures "thirty-first December, 1977", the words and figures "thirty-first December, 1982" shall be substituted.

3. Repeal of Karnataka Ordinance No. 15 of 1977.—(1) The Karnataka Rent Control (Second Amendment) Ordinance 1977 (Karnataka Ordinance No. 15 of 1977) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Karnataka Rent Control Act, 1961 as amended by the said Ordinance shall be deemed to have been done or taken under the said Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore

KARNATAKA ACT No. 3 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the thirty-first day of March,* 1978)

THE KARNATAKA RENT CONTROL (AMENDMENT) ACT, 1978

(Received the assent of the President on the thirtieth day of March, 1978)

An Act further to amend the Karnataka Rent Control Act, 1961.

Whereas it is expedient further to amend the Karnataka Rent Control Act 1961 (Karnataka Act 22 of 1961) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of Republic of India, as follows:—

1. Short title and commencement. —(1) This Act may be called the Karnataka Rent Control (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the Twenty-fourth day of December 1977.

2. Amendment of section 1.—In sub-section (4) of section 1 of the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961), for the words and figures " thirty-first December, 1977 ", the words and figures " thirty-first December. 1982" shall be substituted.

3. Repeal of Karnataka Ordinance No. 15 of 1977.—(1) The Karnataka Rent Control (Second Amendment) Ordinance 1977 (Karnataka Ordinance No. 15 of 1977) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Karnataka Rent Control Act, 1961 as amended by the said Ordinance shall be deemed to have been done or taken under the said Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, THURSDAY, APRIL 27, 1978
(VAISHAKHA 7, SAKA ERA 1900).

No. 678

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 19 LGN 78,

Bangalore dated 27th April 1978.

Ordered that the Karnataka Co-operative Societies (Amendment) Ordinance, 1978 promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India, be published as Karnataka Ordinance No. 2 of 1978 in the *Karnataka Gazette* for general information.

Reg. No. KRNA—25.

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, MONDAY, MAY 8, 1978.
(VAISHAKHA 18, SAKA ERA 1900)

No. 762

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No LAW 87 LGN 76

Bangalore, dated 8th May 1978

Ordered that the **Karnataka Certain Inams Abolition Act, 1977** which received the assent of the President on the Third day of May 1978, be published as Karnataka Act No. 10 of 1978 in the *Karnataka Gazette* for general information.

Reg. No. KRNA—25,

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, MONDAY, MAY 8, 1978.
(VAISHAKHA 18, SAKA ERA 1900)

No. 762

Law and Parliamentary Affairs Secretariat

Notification No LAW 87 LGN 76

Bangalore, dated 8th May 1978

Ordered that the **Karnataka Certain Inams Abolition Act, 1977** which received the assent of the President on the Third day of May 1978, be published as Karnataka Act No. 10 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 10 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Eighth day of May* 1978)

THE KARNATAKA CERTAIN INAMS ABOLITION ACT, 1977

(Received the assent of the President on the Third day of May 1978)

An Act to provide for the abolition of certain inams in the State of Karnataka.

Whereas laws providing for abolition of certain personal, religious and charitable inams in the State, are already in force ;

Whereas in certain areas of the State certain categories of inams are still existing ;

Whereas it is expedient in the public interest to provide for the abolition of all such remaining inams ;

Be it enacted by the Karnataka State Legislature in the Twenty-eighth year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Karnataka Certain Inams Abolition Act, 1977.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Application.—This Act shall apply to all inams including inams in enclave villages other than those referred to in the following :—

1. The Bombay Personal Inams Abolition Act, 1952 (Bombay Act No. XLI of 1953).

2. The Bombay Service Inams (Useful to Community) Abolition Act, 1953 (Bombay Act No. LXX of 1953).

3. The Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953 (Bombay Act No. XXXIX of 1954).

4. The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bombay Act XXII of 1955).

5. The Hyderabad Abolition of Inams Act, 1955 (Hyderabad Act VIII of 1955).

6. The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

7. The Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955).

8. The Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act XVIII of 1955).

9. The Bombay Paragana and Kulkarni Vatans (Abolition) Act, 1950 (Bombay Act LX of 1950).

10. The Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961).

11. The Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 of 1976).

3. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "Act" means the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) ;

(b) "appointed date" means the date appointed under sub-section (3) of section 1;

(c) "Deputy Commissioner" includes any officer not below the rank of an Assistant Commissioner authorised by the State Government, by notification, to exercise the powers of a Deputy Commissioner under this Act ;

(d) "enclave villages" mean villages transferred from one State to another State according to the provisions of the Province and State (Absorption of Enclave) Order 1950 and the India and Hyderabad (Exchange of Enclaves) Order, 1950 ;

(e) "Inam" includes an inam village and a minor inam, a jagir, whether personal, religious, charitable or otherwise ;

(f) " inamdar " means,—

(i) in the case of a personal inam, a person holding in trust or owning for his own benefit an inam village or a share therein and includes the successors in interest of an inamdar ; and

(*a*) where an inamdar is a minor or of unsound mind or an idiot, his guardian, committee, or other legal curator ;

(*b*) where an inamdar is a joint Hindu family such joint Hindu family ; and

(ii) in the case of a religious or charitable inam, the religious or charitable institution owning an inam ;

(*g*) "inam land" or "inam village" means a land or village, as the case may be, held as an inam in trust or owned by a person for his own benefit ;

(*h*) "land records" means records maintained under the provisions of, or for the purpose of the Act or any other law relevant for the purposes of this Act ;

(*i*) "minor inam" means an alienated holding other than an inam village, situated in an alienated village or in an unalienated village ;

(*j*) "person" includes a religious or charitable institution and in the case of a joint Hindu family such joint Hindu family ;

(*k*) "personal inam" means a grant of a village or land with total or partial exemption from the payment of land revenue made to a person and entered in the land records as an inam, other than a 'devadaya' or 'dharmadaya' and does not include religious or charitable inam ;

(*l*) "religious institution" includes a temple ;

(*m*) "religious or charitable inam" means grant of a village, portion of a village or land with total or partial exemption from the payment of land revenue made to or for the benefit of a religious or charitable institution.

(e) "Inam" includes an inam village and a minor inam, a jagir, whether personal, religious, charitable or otherwise ;

(f) "inamdar" means,—

(i) in the case of a personal inam, a person holding in trust or owning for his own benefit an inam village or a share therein and includes the successors in interest of an inamdar ; and

(*a*) where an inamdar is a minor or of unsound mind or an idiot, his guardian, committee, or other legal curator ;

(*b*) where an inamdar is a joint Hindu family such joint Hindu family ; and

(ii) in the case of a religious or charitable inam, the religious or charitable institution owning an inam ;

(*g*) "inam land" or "inam village" means a land or village, as the case may be, held as an inam in trust or owned by a person for his own benefit ;

(*h*) "land records" means records maintained under the provisions of, or for the purpose of the Act or any other law relevant for the purposes of this Act ;

(*i*) "minor inam" means an alienated holding other than an inam village, situated in an alienated village or in an unalienated village ;

(*j*) "person" includes a religious or charitable institution and in the case of a joint Hindu family such joint Hindu family ;

(*k*) "personal inam" means a grant of a village or land with total or partial exemption from the payment of land revenue made to a person and entered in the land records as an inam, other than a 'devadaya' or 'dharmadaya' and does not include religious or charitable inam ;

(*l*) "religious institution" includes a temple ;

(*m*) "religious or charitable inam" means grant of a village, portion of a village or land with total or partial exemption from the payment of land revenue made to or for the benefit of a religious or charitable institution.

Explanation.—If any question arises whether any grant is a personal inam or a religious or charitable inam such question shall be referred to the State Government whose decision shall be final ;

(n) "Tribunal" means the Tribunal constituted under section 48 of the Karnataka Land Reforms Act, 1961.

(2) The words and expressions used, but not defined in this Act, shall have the meaning assigned to them in the Act or the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962).

CHAPTER II

Abolition and vesting of inams in the State and its consequences

4. Abolition, vesting of inams and the consequences thereof.—(1) Notwithstanding anything contained in any contract, grant or other instrument or in any decree or order of Court or in any other law for the time being in force, with effect from and on the appointed date, the inam tenure of all inams and minor inams to which this Act applies under section 2 shall stand abolished.

(2) Save as otherwise expressly provided in this Act with effect from and on the appointed date, the following consequences shall ensue, namely :—

(a) the provisions of the Act relating to inams of alienated holdings shall be deemed to have been repealed in their application to inam or alienated holding . and the provisions of the Act and all other enactments applicable to unalienated villages or lands shall apply to the said inams or alienated holding ;

(b) all rights, title and interest vesting in the inamdar including those in all communal lands, cultivated lands, uncultivated lands, whether assessed or not, waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries, and ferries shall cease and be vested absolutely in the State Government, free from all encumbrances ;

(c) the inamdar shall cease to have any interest in the inam other than interests expressly saved by or under the provisions of this Act ;

(d) all land revenue including the cesses and royalties accruing in respect of lands comprised in such inam villages or minor inams on or after the date of vesting shall be paid to the State Government and not to the inamdar and any payment made in contravention of this clause shall not be valid ;

(e) all arrears of land revenue, whether as jodi or quit rent and cesses remaining lawfully due on the date of vesting in respect of any such inam village or minor inam shall, after such date continue to be recovered from the inamdar by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears and cesses from the amount payable to such inamdar under this Act ;

(f) no such inam shall be liable to attachment in execution of any decree or other process of any court and any attachment existing, on the date of vesting or any other order for attachment passed before such date in respect of such inam village or minor inam shall cease to be in force ;

(g) the State Government may, after removing any obstruction that may be offered, forthwith take possession of the inam and all accounts, registers, pattas, muchalikas, maps, plans and other documents relating to the inam which the State Government may require for the administration thereof ;

(h) the inamdar whose rights have vested in the State Government under clause (b) shall be entitled only to such amount from the State Government as provided in this Act ;

(i) the relationship of a superior holder and inferior holder shall, as between the inamdar and the holder of a minor inam, be extinguished ;

(j) the tenants in the inam and persons holding under them and holders of minor inams shall, as against the State

(c) the inamdar shall cease to have any interest in the inam other than interests expressly saved by or under the provisions of this Act ;

(d) all land revenue including the cesses and royalties accruing in respect of lands comprised in such inam villages or minor inams on or after the date of vesting shall be paid to the State Government and not to the inamdar and any payment made in contravention of this clause shall not be valid ;

(e) all arrears of land revenue, whether as jodi or quit rent and cesses remaining lawfully due on the date of vesting in respect of any such inam village or minor inam shall, after such date continue to be recovered from the inamdar by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears and cesses from the amount payable to such inamdar under this Act ;

(f) no such inam shall be liable to attachment in execution of any decree or other process of any court and any attachment existing, on the date of vesting or any other order for attachment passed before such date in respect of such inam village or minor inam shall cease to be in force ;

(g) the State Government may, after removing any obstruction that may be offered, forthwith take possession of the inam and all accounts, registers, pattas, muchalikas, maps, plans and other documents relating to the inam which the State Government may require for the administration thereof ;

(h) the inamdar whose rights have vested in the State Government under clause (b) shall be entitled only to such amount from the State Government as provided in this Act ;

(i) the relationship of a superior holder and inferior holder shall, as between the inamdar and the holder of a minor inam, be extinguished ;

(j) the tenants in the inam and persons holding under them and holders of minor inams shall, as against the State

Government, be entitled only to such rights and privileges and be subject to such conditions as are provided for by or under the Karnataka Land Reforms Act, 1961 and any other rights and privileges which may have accrued to them in the inam before the date of vesting against the inamdar shall cease and determine and shall not be enforceable against the State Government or such inamdar.

(3) Nothing contained in sub-section (1) or sub-section (2) shall operate as a bar to the recovery by the inamdar of any sum which becomes due to him before the date of vesting by virtue of his rights as inamdar and any such sum may be recovered by him by any process of law which, but for this Act, would be available to him.

5. Right to be registered as occupants.—Save as otherwise provided in this Act, with effect from and on the appointed date,--

(1) every tenant of the inamdar or holder of a minor inam shall be entitled to be registered as an occupant of lands in respect of which he was a tenant immediately before first day of March, 1974 ;

(2) where the inamdar is an institution of religious worship, a person—

(i) rendering religious service in or maintaining the institution as a pujari, archak or the holder of a similar office by whatever name called, or

(ii) rendering any service in such institution,

and personally cultivating for a continuous period of not less than three years prior to the first day of March, 1974, by contributing his own physical labour or that of the Members of his family and enjoying the benefits of any land comprised in the inam of such institution without paying rent as such in money or in kind to that institution in respect of such land, shall be entitled to be registered as an occupant of such land ;

(3) every inamdar including the holder of a minor inam, shall be entitled to be registered as an occupant of all lands

was personally cultivating immediately before the said date.

6. Certain lands not to be registered.—No holder of a minor inam and no inamdar shall be entitled to be registered as an occupant of—

(i) communal lands, uncultivated lands, waste lands, gomal lands, forest lands, tank beds, mines, quarries, rivers, streams, tanks and irrigation works ;

(ii) lands on which buildings owned by any person other than such holder of minor inam are erected.

7. Vesting of buildings.—(1) Every building other than a building referred to in sub-section (2) situated within the limits of a minor inam or an inam which was owned immediately before the appointed date by the holder of a minor inam or the inamdar, as the case may be, shall with effect from such date vest in the holder of minor inam or the inamdar.

(2) Every private building situated within the limits of an inam shall, with effect from the said date, vest in the person who owned it immediately before that date.

(3) Notwithstanding anything in sub-sections (1) and (2), where a tenant is in occupation of a dwelling house on a site belonging to the Inamdar or the holder of a minor inam such tenant shall not be evicted therefrom but shall be conferred with ownership thereof and the site on payment of such amount as the Tribunal may fix having regard to—

(i) the land revenue payable on the land ;

(ii) who constructed the dwelling house ; and

(iii) such other factors as may be prescribed.

8. Right to agricultural land used for non-agricultural purposes.—(1) Where any land used for agricultural purpose has been converted to non-agricultural purpose the holder of such land shall, subject to the provisions of sub-section (3) of section 7 and the other provisions of this section, be entitled to keep the land.

(2) Where the land converted was at the time of conversion in the occupation of a tenant and the converted land has not been put to non-agricultural use for which it was converted, such land shall, subject to the other provisions of this Act, be registered in the name of the tenant :

Provided that if the State Government is satisfied that the holder had done everything possible to put such land into non-agricultural use but could not do so for reasons beyond his control it, may, by order in writing, permit the holder to retain the land:

Provided further that in the case referred to in the preceding proviso, the tenant shall—

(i) notwithstanding anything in the Karnataka Land Reforms Act, 1961 be treated as a displaced tenant for purposes of section 77 of that Act ;

(ii) be paid an amount equal to one hundred times the land revenue of the land of which he was a tenant and the said amount shall be deducted from the amount payable to the Inamdar under this Act.

9. Liability to pay land revenue to the State Government.—(1) Every person who becomes entitled to be registered as an occupant under section 5 in respect of any land shall with effect from and on the appointed date be liable to pay to the State Government as land revenue—

(*a*) in the case of an inam village to which survey and settlement has been introduced under the Act an amount equal to the land revenue assessment fixed on such land during such survey and settlement ;

(*b*) in the case of an inam village to which survey and settlement has not been introduced under the Act an amount equal to land revenue assessment levied on the same extent of similar land in an adjoining unalienated village.

(2) The Deputy Commissioner shall, after such inquiry as he thinks fit, determine the land revenue payable under clause (*b*) of sub-section (1).

10. Saving of right in certain cases.—(1) Where before the appointed date an inamdars has created any right in

any land which vests in the State Government, other than land registered under section 5 including rights in any mines or minerals, quarries, fisheries, ferries or forest, the transactions shall be deemed to be valid and all rights and obligations arising thereunder on or after the appointed date be enforceable by or against the State Government :

Provided that the transaction was not void or illegal under any law in force at the time :

Provided further that where such right was created in any land, unless it relates to lands registered under section 5, the State Government may, if in its opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.

(2) The person, whose right has been terminated by the State Government under the foregoing proviso, shall be entitled to an amount from the State Government equal to the estimated net income of such person from the land for the unexpired portion of the period for which the right was created, having regard to all the circumstances of the case.

(3) Any right or privilege exercised or enjoyed by any person in respect of uncultivated jamma lands immediately before the appointed date shall, notwithstanding anything in this Act, and until other provision is made in this behalf, continue to be exercised or enjoyed.

CHAPTER III

11. Procedure for registration as an occupant.– Every person entitled to be registered as an occupant under this Act shall make an application to the Tribunal constituted under the Karnataka Land Reforms Act, 1961 within six months from the appointed date. Such application shall be disposed of by the Tribunal as if it is an application made under the said Act.

12. Payment of premium, etc.—(1) The right of an inamdar or other person to be registered as an occupant

under this Act shall be subject to the payment by him to the State Government of a premium as specified below :—

(i) an inamdar : six times the land revenue of the lands to be registered ;

(ii) other persons referred to in section 5 : one hundred times the land revenue of the lands to be registered.

(2) The said right shall also be subject to the further condition that the land registered shall not be alienated in any manner or partitioned except with the previous sanction of the Deputy Commissioner and on payment of an amount equal to twenty times the land revenue of the lands concerned, which shall be in addition to the amount already paid as premium.

CHAPTER IV

Determination of amount payable in respect of personal Inams.

13. Amount payable how determined.—(1) The amount payable in respect of a personal inam shall be determined in accordance with the provisions of this Chapter.

(2) The amount shall be determined for the inam as a whole and not separately for each of the interests therein.

14. Amount payable.—(1) The amount payable in respect of an inam other than a religious or charitable inam vesting in the State Government under this Act shall be the aggregate of the following, namely :—

(i) a sum equal to ten times the net annual income from the lands held by the tenants entitled to be registered under section 5 of this Act ;

(ii) the value, as determined by the Forest Department of such of the sandalwood trees on the said land as are actually existing on the appointed day and registered in accordance with the rules made under the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964) ; and

(iii) in respect of the income from minor forest produce (other than sandalwood) an mount equal to three times the average net annual income from minor

under this Act shall be subject to the payment by him to the State Government of a premium as specified below :—

(i) an inamdar : six times the land revenue of the lands to be registered ;

(ii) other persons referred to in section 5 : one hundred times the land revenue of the lands to be registered.

(2) The said right shall also be subject to the further condition that the land registered shall not be alienated in any manner or partitioned except with the previous sanction of the Deputy Commissioner and on payment of an amount equal to twenty times the land revenue of the lands concerned, which shall be in addition to the amount already paid as premium.

CHAPTER IV

Determination of amount payable in respect of personal Inams.

13. Amount payable how determined.—(1) The amount payable in respect of a personal inam shall be determined in accordance with the provisions of this Chapter.

(2) The amount shall be determined for the inam as a whole and not separately for each of the interests therein.

14. Amount payable.—(1) The amount payable in respect of an inam other than a religious or charitable inam vesting in the State Government under this Act shall be the aggregate of the following, namely :—

(i) a sum equal to ten times the net annual income from the lands held by the tenants entitled to be registered under section 5 of this Act ;

(ii) the value, as determined by the Forest Department of such of the sandalwood trees on the said land as are actually existing on the appointed day and registered in accordance with the rules made under the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964) ; and

(iii) in respect of the income from minor forest produce (other than sandalwood) an mount equal to three times the average net annual income from minor

produce derived by the Inamdar in the previous three years :

Provided that where the particulars necessary to compute the average net annual income are not available for the full period, or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(2) For purposes of sub-section (1), the net annual income shall be deemed to be—

(i) in respect of lands held by a permanent tenant, the land revenue of such lands less the proportionate land revenue, jodi, quit rent or peshkush paid by the Inamdar to the State Government, as determined in the prescribed manner ;

(ii) in respect of lands held by other tenants, ten times the land revenue of such lands less the proportionate land revenue, jodi, quit rent or peshkush paid by the inamdar to the State Government, determined in the prescribed manner.

15. Payment of amount.—(1) The amount shall due as from the appointed date and shall carry interest at the rate of two and three-fourths per cent per annum from the appointed date to the date of payment.

(2) The amount payable under this Act, may, in accordance with the rules made in this behalf, be paid in one or more of the following modes, namely:—

(i) in cash, in full or in annual instalments not exceeding ten ;

(ii) in bonds, either negotiable or non negotiable, carrying interest at the rate specified in sub-section (1) and of guaranteed face value maturing within a specified period not exceeding ten years :

Provided that the amount payable under the bonds issued under this clause may be repaid in such number of instalments not exceeding ten as may be prescribed.

16. Interim payment.—(1) Where the amount is not paid to an inamdar within a period of six months from the date of vesting, the State Government shall, subject

produce derived by the Inamdar in the previous three years :

Provided that where the particulars necessary to compute the average net annual income are not available for the full period, or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(2) For purposes of sub-section (1), the net annual income shall be deemed to be—

(i) in respect of lands held by a permanent tenant, the land revenue of such lands less the proportionate land revenue, jodi, quit rent or peshkush paid by the Inamdar to the State Government, as determined in the prescribed manner ;

(ii) in respect of lands held by other tenants, ten times the land revenue of such lands less the proportionate land revenue, jodi, quit rent or peshkush paid by the inamdar to the State Government, determined in the prescribed manner.

15. Payment of amount.—(1) The amount shall be due as from the appointed date and shall carry interest at the rate of two and three-fourths per cent per annum from the appointed date to the date of payment.

(2) The amount payable under this Act, may, in accordance with the rules made in this behalf, be paid in one or more of the following modes, namely:—

(i) in cash, in full or in annual instalments not exceeding ten ;

(ii) in bonds, either negotiable or non negotiable, carrying interest at the rate specified in sub-section (1) and of guaranteed face value maturing within a specified period not exceeding ten years :

Provided that the amount payable under the bonds issued under this clause may be repaid in such number of instalments not exceeding ten as may be prescribed.

16. Interim payment.—(1) Where the amount is not paid to an inamdar within a period of six months from the date of vesting, the State Government shall, subject

to such restrictions and conditions as to security, repayment or otherwise, as may be prescribed, direct the payment to each such inamdar of interim amount which shall be equal to one-fifth of the estimated amount payable.

(2) Interest at the rate specified in sub-section (1) of section 15 on the estimated amount payable or on the balance of the estimated amount payable after deducting the interim payment under sub-section (1) may be paid every year until the amount payable is determined under section 17,—

(*a*) if there are no persons interested in the amount other than such inamdar, to such inamdar;

(*b*) if there are persons other than the inmdar, interested in the amount who have made claims under section 18, to such person or persons and in such proportions as all the persons interested in the amount may by agreement in writing specify.

(3) The interim amount payable under sub-section (1), and the interest payable under sub-section (2) may be paid in the prescribed manner.

17. Deputy Commissioner to determine total amount payable.—(1) The Deputy Commissioner shall, after giving the applicant a reasonable opportunity to make his representation in regard thereto in writing or orally, determine in accordance with such of the foregoing provisions as may be applicable to the inam, the total amount payable in respect of the inam:

Provided that no such determination shall be made by the Deputy Commissioner without the previous approval of the State Government or such officer as the State Government may appoint in this behalf.

(2) Any inamdar or other person interested may, within such time as may be prescribed or such further time as the Deputy Commissioner may, in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposes to determine the total amount payable.

(3) On receipt of such application, the Deputy Commissioner shall furnish the data aforesaid to the applicant.

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar concerned, and also to every applicant under sub-section (2).

18. **Notices to persons interested in account.**—(1) As soon as may be after the appointed date the Deputy Commissioner shall—

(*a*) publish copies of the notification under sub-section (3) of section 1, at a convenient place in and the vicinity of the inam ;

(*b*) cause public notice to be given at a convenient place in or near the inam, requiring that claims of all persons interested in the amount or in any portion thereof, including the inamdar, the members of his family claiming any such portion whether by way of a share or by way of maintenance or otherwise, and creditors whose debts are secured by the mortgage of or as a charge on the inam or any part thereof, other than lands and buildings which vest in the inamdar under section 5 or section 7, shall be made to him, together with the nature and particulars of such claims, in person or by agent at a time and place therein mentioned, such time not being earlier than sixty days from the date of publication of the notice. Such notice shall also be published in the official Gazette.

(2) Every claim against the amount payable which is not made to the Deputy Commissioner within the time aforesaid shall cease to be enforceable, except in cases where the Deputy Commissioner, for sufficient cause permits a claim to be made beyond the period aforesaid.

19. **Apportionment of amount by the Deputy Commissioner.**—The Deputy Commissioner shall, after giving notice to all persons who claim under section 18 and to any others whom he considers to be interested, make enquiry into the validity of the claims received by him, and determine the persons who, in his opinion, are entitled to the amount and the amount to which each of them is entitled.

20. **Procedure for apportionment of amount.**—(1) As a preliminary to such determination, the Deputy Commissioner shall apportion the amount among the inamd-

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar concerned, and also to every applicant under sub-section (2).

18. **Notices to persons interested in account.**—(1) As soon as may be after the appointed date the Deputy Commissioner shall—

(*a*) publish copies of the notification under sub-section (3) of section 1, at a convenient place in and in the vicinity of the inam ;

(*b*) cause public notice to be given at a convenient place in or near the inam, requiring that claims of all persons interested in the amount or in any portion thereof, including the inamdar, the members of his family claiming any such portion whether by way of a share or by way of maintenance or otherwise, and creditors whose debts are secured by the mortgage of or as a charge on the inam or any part thereof, other than lands and buildings which vest in the inamdar under section 5 or section 7, shall be made to him, together with the nature and particulars of such claims, in person or by agent at a time and place therein mentioned, such time not being earlier than sixty days from the date of publication of the notice. Such notice shall also be published in the official Gazette.

(2) Every claim against the amount payable which is not made to the Deputy Commissioner within the time aforesaid shall cease to be enforceable, except in cases where the Deputy Commissioner, for sufficient cause permits a claim to be made beyond the period aforesaid.

19. **Apportionment of amount by the Deputy Commissioner.**—The Deputy Commissioner shall, after giving notice to all persons who claim under section 18 and to any others whom he considers to be interested, make enquiry into the validity of the claims received by him, and determine the persons who, in his opinion, are entitled to the amount and the amount to which each of them is entitled.

20. **Procedure for apportionment of amount.**—(1) As a preliminary to such determination, the Deputy Commissioner sh l apportion the amount among the inamd

and any other persons whose rights or interests in the inam have passed to and vested in the State Government under clause (*b*) of sub-section (2) of section 4 including persons who are entitled to be maintained from the inam and its income, as far as possible, in accordance with the value of their respective interests in the inam.

(2) The value of the interests shall be ascertained in such manner as may be prescribed.

21. Claims of creditors.—(1) After the amount has been apportioned among the persons referred to in section 20 or where it is more convenient to do so pending the apportionment, the Deputy Commissioner shall take into consideration the application of the secured creditors referred to in section 19, and decide the amount to which each such creditor is entitled, and the person or persons out of whose share or shares of the amount such amount should be paid :

Provided that any amount due to the State Government either as land revenue or otherwise shall first be deducted from the amount payable.

(2) The amount payable by the State Government to secured creditors on account of holding any mortgage or charge, notwithstanding anything contained in any law for the time being in force, shall not exceed the amount payable in respect of the inam or portion thereof.

22. Devolution of interest in amount.—Where it is alleged that the interest of any person entitled to receive payment of any portion of the amount has devolved on any other person or persons whether by act of parties or by operation of law, the Deputy Commissioner shall, after giving the parties an opportunity of being heard, determine whether there has been any devolution of the interest and if so, on whom it has devolved.

CHAPTER V

Amount payable in respect of religious or charitable inams

23. Amount payable.—In respect of religious or charitable inams vesting in the State Government under this

and any other persons whose rights or interests in the inam have passed to and vested in the State Government under clause (*b*) of sub-section (2) of section 4 including persons who are entitled to be maintained from the inam and its income, as far as possible, in accordance with the value of their respective interests in the inam.

(2) The value of the interests shall be ascertained in such manner as may be prescribed.

21. Claims of creditors.—(1) After the amount has been apportioned among the persons referred to in section 20 or where it is more convenient to do so pending the apportionment, the Deputy Commissioner shall take into consideration the application of the secured creditors referred to in section 19, and decide the amount to which each such creditor is entitled, and the person or persons out of whose share or shares of the amount such amount should be paid :

Provided that any amount due to the State Government either as land revenue or otherwise shall first be deducted from the amount payable.

(2) The amount payable by the State Government to secured creditors on account of holding any mortgage or charge, notwithstanding anything contained in any law for the time being in force, shall not exceed the amount payable in respect of the inam or portion thereof.

22. Devolution of interest in amount.—Where it is alleged that the interest of any person entitled to receive payment of any portion of the amount has devolved on any other person or persons whether by act of parties or by operation of law, the Deputy Commissioner shall, after giving the parties an opportunity of being heard, determine whether there has been any devolution of the interest and if so, on whom it has devolved.

CHAPTER V

Amount payable in respect of religious or charitable inams

23. Amount payable.—In respect of religious or charitable inams vesting in the State Government under this

Act, the State Government shall so long as the religious or charitable institutions exist, pay to the inamdar every year a sum equal to ten times the land revenue payable on the land comprised in such inams.

24. Deputy Commissioner to determine the amount.—(1) The Deputy Commissioner shall, by order, determine the amount payable to an inamdar under section 23.

(2) A copy of every order passed under sub-section (1) shall be furnished to the inamdar concerned.

CHAPTER VI

Miscellaneous

25. Extent of land of which a person may be registered as an occupant.—The extent of land in respect of which a person referred to in section 5 shall be entitled to be registered as an occupant shall not, together with any land held by him, exceed the extent fixed under the Karnataka Land Reforms Act, 1961.

26. Disposal of lands vesting in the State Government.—Lands vesting in the State Government and in respect of which any person is not entitled to be registered as an occupant under this Act shall be disposed of in accordance with the rules framed from time to time under the Act for disposal of lands belonging to the State Government.

27. Revision by the Divisional Commissioner.—The Divisional Commissioner may, at any time, call for and examine the record of any order passed by the Deputy Commissioner under section 17 or section 24 and if he considers that such order is erroneous in so far as it is prejudicial to the interest of the State Revenues he may, after making or causing to be made such enquiry as he deems necessary and after giving the person or persons affected a reasonable opportunity of being heard, pass such order thereon as the circumstances of the case justify including an order decreasing the amount payable or directing a fresh determination by the Deputy Commissioner:

Provided that no such order shall be made,—

(1) where an appeal under section 30 has been preferred ; or

Act, the State Government shall so long as the religious or charitable institutions exist, pay to the inamdar every year a sum equal to ten times the land revenue payable on the land comprised in such inams.

24. Deputy Commissioner to determine the amount.—(1) The Deputy Commissioner shall, by order, determine the amount payable to an inamdar under section 23.

(2) A copy of every order passed under sub-section (1) shall be furnished to the inamdar concerned.

CHAPTER VI

Miscellaneous

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26. Disposal of lands vesting in the State Government.—Lands vesting in the State Government and in respect of which any person is not entitled to be registered as an occupant under this Act shall be disposed of in accordance with the rules framed from time to time under the Act for disposal of lands belonging to the State Government.

27. Revision by the Divisional Commissioner.—The Divisional Commissioner may, at any time, call for and examine the record of any order passed by the Deputy Commissioner under section 17 or section 24 and if he considers that such order is erroneous in so far as it is prejudicial to the interest of the State Revenues he may, after making or causing to be made such enquiry as he deems necessary and after giving the person or persons affected a reasonable opportunity of being heard, pass such order thereon as the circumstances of the case justify including an order decreasing the amount payable or directing a fresh determination by the Deputy Commissioner:

Provided that no such order shall be made,—

(1) where an appeal under section 30 has been referre ; or

(2) after the expiry of four years from the date of the order sought to be revised.

Explanation.—In computing the period of limitation for the purpose of this section, any period during which any proceeding under this section is stayed by an order or any injunction by any court shall be excluded.

28. Control by the Divisional Commissioner.—The Divisional Commissioner shall, within his jurisdiction have power—

(a) to superintend the taking over of inams and to make due arrangement for the administration thereof ;

(b) to issue instructions for the guidance of the Deputy Commissioner ;

(c) to cancel or revise any order of the Deputy Commissioner declaring whether a particular area is part of an inam or not.

29. Revision by the State Government.—The State Government may cancel or revise any order passed by the Divisional Commissioner under section 28.

30. Appeal from orders under sections 17, 19 and 24.—(1) Against any decision of the Deputy Commissioner under sections 17, 19 and 24 the State Government may, within six months from the date of the decision and any person aggrieved by such decision may, within ninety days from the date of the decision, appeal to the Karnataka Appellate Tribunal, whose decision shall be final.

(2) If any question arises, whether any building falls within the scope of sub-section (2) of section 7, it shall be referred to the Karnataka Appellate Tribunal, whose decision shall be final.

31. Wrong and excess payments to be recoverable as arrears of land revenue.—Where any payment made to any person is subsequently found to be not due to him or to be in excess of the amounts due to him by virtue of any order passed under this Act or otherwise, the amount which is found to be not due or which is in excess, as the case may be, which cannot otherwise be adjusted by deduction from any amounts due to such person, shall be recoverable as if it were an arrear of land revenue.

32. Enquiries by the Deputy Commissioner.—(1) The Deputy Commissioner may, by general or special order, authorise any officer not below the rank of a Tahsildar subordinate to him to hold enquiries on his behalf under this Act :

Provided that the Deputy Commissioner may in respect of any enquiry held by any such officer direct such officer to hold a fresh or further enquiry or himself hold a fresh or further enquiry if in his opinion a fresh or further enquiry is necessary.

(2) In respect of every enquiry under this Act by the Deputy Commissioner or any officer authorised under sub-section (1), the provisions of the Act relating to a formal enquiry shall apply, as if such enquiry is a formal enquiry under the Act.

33. Fee payable on applications, petitions etc., under this Act.–Notwithstanding anything contained in the Karnataka Court Fees and Suits Valuation Act, 1958 (Karnataka Act 16 of 1958), the fees payable on any application, memorandum of appeal or petition under this Act or rules made thereunder shall be such as may be prescribed.

34. Jurisdiction of courts barred in certain cases.—(1) No suit, prosecution or other proceeding shall lie against the State Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) No officer or servant of the State Government shall be liable in any civil or criminal proceedings in respect of any act done or purporting to be done under this Act or any rule made thereunder, if the Act was done in good faith in the course of the execution of the duties or in the discharge of the functions imposed by or under this Act.

(3) In respect of any act done by any officer or servant of the State Government under colour or in excess of any such duty or function, no suit, prosecution or other proceedings shall lie against such officer or servant without the previous sanction of the State Government and no such suit, prosecution or other proceedings shall be instituted after the expiry of one year from the date of the act complained of.

(4) Notwithstanding anything contained in any law for the time being in force, a civil court shall not entertain any application or suit,-

(i) connected with any matter which has to be decided by the Deputy Commissioner under sections 17, 19 and 24 of this Act ; or

(ii) relating to an order made by the Divisional Commissioner under section 27 and in respect of which a right of appeal has been conferred by section 29 or 30.

35. Power to make rules. (1) The State Government may, by notification and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for,—

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the procedure to be followed by the Deputy Commissioner and the officers or authorities appointed or having jurisdiction under this Act ;

(*c*) the time within which applications and appeals may be presented under this Act in cases for which no specific provision in that behalf is made herein ;

(d) the application of the provisions of the Code of Civil Procedure, 1908, and the Limitation Act, 1963, to applications, appeals and proceedings, under this Act.

36. Penalties.—(1) If any person—

(a) wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any such order; or

(b) offers resistance or obstruction to the Deputy Commissioner taking charge or possession of any property which is vested in the State Government under this Act ; or

(*c*) furnishes information which he knows or has reason to believe to be false or does not believe to be true , he shall, on conviction by a Magistrate, be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

(2) No prosecution under sub-section (1) shall be instituted except with the previous sanction of the Deputy Commissioner.

37. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty :

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

38. Laying of rules and orders before the State Legislature.—Every rule made under section 35 and every order issued under section 37 shall be laid as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or order or both Houses agree that the rule or order should not be made, the rule or order shall from the date on which the modification or annulment is notified by the State Government in the Official Gazette, have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio,
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25.

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, THURSDAY, MAY 11, 1978.
(VAISHAKHA 21, SAKA ERA 1900).

No. 767

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

No. LAW 59 LGN 77, Bangalore, dated 11th May, 1978.

NOTIFICATION

Ordered that the **Karnataka Khadi and Village Industries (Amendment) Ordinance, 1978** promulgated by the Governor of Karnataka in the Twenty-ninth year of the Republic of India, be published as Karnataka Ordinance No. 4 of 1978 in the **Karnataka Gazette** for general information.

Karnataka Ordinance No. 4 of 1978

THE KARNATAKA KHADI AND VILLAGE INDUSTRIES (AMENDMENT) ORDINANCE, 1978

(Promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India and first published in the **Karnataka Gazette Extraordinary** on the eleventh day of May 1978).

An Ordinance further to amend the Karnataka Khadi and Village Industries Act, 1956.

Whereas the Karnataka Legislative Council is not in session and only the Karnataka Legislative Assembly is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Khadi and Village Industries Act, 1956 (Karnataka Act 7 of 1957) ;

Now, Therefore, in exercise of the powers conferred by clause (1) of the article 213 of the Constitution of India the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Karnataka Khadi and Village Industries (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Amendment of Section 4.**—In section 4 of the Karnataka Khadi and Village Industries Act, 1956 (Karnataka Act 7 of 1957) (hereinafter referred to as the principal Act),—

(1) in sub-section (1), for the word " fifteen ", the word " seven " shall be substituted ;

(2) for sub-section (4), the following sub-sections shall be substituted, namely :—

" (4) Subject to the pleasure of the State Government and sub-section (4A), the term of office and the terms and conditions of service of the Chairman and other Members of the Board shall be such as may be prescribed.

(4A) The State Government may, from time to time, grant to the Chairman such leave as may be prescribed and may appoint any other member to act for the Chairman during such leave and such member shall, while so acting, for the purposes of this Act be deemed to be the Chairman."

3. Insertion of new section 7A.—After section 7 of the principal Act, the following section shall be inserted, namely :—

"**7A. Filling of a casual vacancy.**—Where a vacancy occurs on account of removal, resignation, death or otherwise of a person appointed as a member, the vacancy shall be filled by the State Government by appointment of a new member and the person so appointed shall hold office for the remainder of the term of the member in whose place he is appointed."

4. Amendment of section 21.—In sub-section (3) of section 21 of the principal Act, after the words "in the State" the words, brackets and figures " or a Bank, included in the Second Schedule to the Reserve Bank of India Act, 1934 or the State Bank of India constituted under the State Bank of India Act, 1955, or a Subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, or a corresponding new Bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 " shall be inserted.

5. **Amendment of section 31.**—In sub-section (2) of section 31 of the principal Act, for clause (a), the following clause shall be substituted, namely :—

"(a) the term of office and the terms and conditions of service of the Chairman and other Members of the Board under section 4."

GOVIND NARAIN
Governor of Karnataka.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman & Ex-Officio Joint Secretary
to Government, Dept. of Law and Parly. Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25.

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, FRIDAY, JUNE 2, 1978
(JYEISHTA 12, SAKA ERA 1900). | No. 876

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 32 LGN 78, Bangalore, dated 2nd June 1978

The Karnataka Village Panchayats and Local Boards (Amendment) Ordinance, 1978 promulgated by the Governor of Karnataka in the Twenty ninth Year of the Republic of India, be published as Karnataka Ordinance No. 6 of 1978 in the **Karnataka Gazette** for general information.

KARNATAKA ORDINANCE No. 6 OF 1978

THE KARNATAKA VILLAGE PANCHAYATS AND LOCAL BOARDS (AMENDMENT) ORDINANCE, 1978.

(Promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India and First published in the **Karnataka Gazette** Extraordinary on the Second day of June 1978).

An Ordinance further to amend the Karnataka Village Panchayats and Local Boards Act, 1959.

Whereas the Karnataka Legislative Council is not in session and only the Karnataka Legislative Assembly is in session and the Governor of Karnataka is satisfied that

circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act No. 10 of 1959) ;

Now, therefore, in exercise of the Powers conferred by clause (1) of article 213 of the Constitution of India the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement**.—(1) This Ordinance may be called the Karnataka Village Panchayats and Local Boards (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Amendment of section 7.**—In section 7 of the Karnataka Village Panchayats and Local Boards Act, 1959, (Karnataka Act No. 10 of 1959), after sub-section (2), the following sub-section shall be inserted, namely.—

" (3) Every election of members shall be subject to the control and supervision of the Government, and it shall be lawful for the Government to issue directions regarding all matters connected with the elections including directions for cancellation and modification of the calendar of events or postponement of the poll "

GOVIND NARAIN,
Governor of Karnataka.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and **Ex-Officio** Additional
Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press Bflore

Reg No KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, WEDNESDAY, MAY 31, 1978
(JYEISHTA 10, SAKA ERA 1900)

No. 858

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 29 LGN 78

Bangalore, dated 31st May 1978

Ordered that the City of Mysore Improvement (Amendment) Ordinance, 1978 promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India, be published as Karnataka Ordinance No. 5 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ORDINANCE NO 5 OF 1978.

The City of Mysore Improvement (Amendment) Ordinance 1978.

(*Promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India and First published in the Karnataka Gazette on the Thirty first day of May 1978*).

An Ordinance further to amend the City of Mysore Improvement Act, 1903.

Whereas the Karnataka Legislative Council is not in session and only the Karnataka Legislative Assembly is in Session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to

amend the City of Mysore Improvement Act, 1903 (Mysore Act 3 of 1903);

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1 **Short title and commencement** :—(1) This Ordinance may be called the City of Mysore Improvement (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Amendment of Section 10** :—In sub section (2) of section 10 of the City of Mysore Improvement Act, 1903 [Mysore Act 3 of 1903] [hereinafter referred to as the principal Act) for the words "ten thousand" occurring in the two places, the words "fifty thousand" shall be substituted.

3. **Insertion of new section 25A** :—After section 25 of the principal Act, the following section shall be inserted namely :—

"**25A. Power of Board to Borrow**.—(1) The Board may, from time to time, with the previous sanction of the Government, and subject to such conditions as may be prescribed in this behalf, borrow such sums of money as may be required for the purpose of this Act.

(2) The rules made by the Government for the purpose of this section may empower the Board to borrow moneys by the issue of debentures and to make arrangement with the bankers.

(3) Debentures issued by the Board shall be in such form as the Board, with the sanction of the Government, may, from time to time determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of principal and payment of interest at such rates as may be fixed by the Government".

GOVIND NARAIN,
GOVERNOR OF KARNATAKA,

By Order and in the name of the Governor of Karnataka

K. R. CHAMAYYA,
Draftsman and Ex-Officio Additional Secretary to Government, Deptt. of Law and Parly. Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, SATURDAY, JUNE 3, 1978
(JYEISHTA 13, SAKA ERA 1900).

No. 900

Law and Parliamentary Affairs Secretariat

Notification No. LAW 55 LGN 77

Bangalore, dated 3rd June 1978.

Ordered that the Karnataka Village Offices Abolition (Amendment) Ordinance, 1978 promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India, be published as Karnataka Ordinance No. 7 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 7 OF 1978

The Karnataka Village Offices Abolition (Amendment) Ordinance, 1978

(Promulgated by the Governor of Karnataka in the Twenty-ninth year of the Republic of India and first published in the Karnataka Gazette *Extraordinary on the Third day of June 1978).*

An ordinance further to amened the Karnataka Village Offices Abolition Act, 1961.

Whereas the Karnataka Legislative Council is not in session and only the Karnataka Legislative Assembly is in session and the

Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 1961);

And whereas the instructions of the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Karnataka Village Offices Abolition (Amendment) Ordinance, 1978.

(2) It shall be deemed to have come into force on the Twenty-forth day of December 1975.

2. **Amendment of section 3.**—In section 3 of the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961) (hereinafter referred to as the principal Act), in sub-section (2) at the end, the following shall be inserted, namely:—

"The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963) shall be applicable to such appeal."

3. **Amendment of section 5.**—In section 5 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely :—

"(4) Any transfer of land in contravention of sub-section (3) shall be null and void and the land so transferred shall, as penalty, be forfeited to and vest in the State Government free from all encumbrances and any person in possession thereof shall be summarily evicted therefrom by the Deputy Commissioner and the land shall be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands: provided that if the person who has transferred the land in contravention of sub-section (3) is not alive, while disposing of such land preference shall be given to the heirs of such person.

(5) Nothing in sub-section (3) shall apply to transfer in favour of the State Government, a Co-operative Society and a Bank as security for loans granted for improvements of such land or for buying cattle or agricultural implements for the cultivation of such land.

Explanation.—'Bank' means,—

(i) a banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949);

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955) ;

(iii) a Subsidiary Bank as defined in the State Bank of India Subsidiary Banks Act, 1959 (Central Act 38 of 1959);

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);

(v) a Regional Rural Bank constituted under the Regional Rural Bank Act, 1976 (Central Act 21 of 1976) ;

(vi) the Agricultural Refinance and Development Corporation consituted under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963) ;

(vii) the Agricultural Finance Corporation Limited a company incorporated under the Indian Companies Act, 1956 (Central Act 1 of 1956) ;

(6) Notwithstanding anything contained in any law for the time being in force, any agreement for tranefer of land resumed under clause (3) of section 4, entered into prior to regrant thereof under sub-section (1), shall be null and void and any person in possession thereof in furtherance of such agreement shall be summarily evicted therefrom by the Deputy Commissioner."

4 Substitution of new section for section 7.—For section 7 of the principal Act, the following section shall be substituted, namely :—

"7. Eviction of unauthorised holders, etc.—

(1) Where any land resumed under clause (3) of section 4 is in the possession of an unauthorised holder, such unauthorised holder shall be summarily evicted therefrom and the land shall be taken possession of by the Deputy Commissioner in accordance with law:

Provided that no such summary eviction be made except after giving the person affected a reasonable opportunity of making representations.

(2) Any order of eviction passed under sub-section (1) shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceedings taken or about to be taken by the Deputy Commissioner in pursuance of the power conferred by sub-section (1).

(3) The land from which an unauthorised holder is evicted under sub-section (1) shall,—

(a) if it was granted or continued in respect of or annexed to an inferior village office, be regranted to the holder of such village office; and

(b) in other cases, be disposed of in accordance with the law appplicable to the disposal of unoccupied unalienated lands.

(4) The provisions of sub-sections (1), (2), (3), (4) and (5) of section 5 shall apply to lands regranted under clause (a) of sub-section (3) as if they were regranted under sub-section (1) of section 5.

5. Savings.—All pending applications and proceedings relating to regrant of land to unauthorised holders under the proviso to sub-section (1) of section 7 of the principal Act as it stood prior to the commencement of this Ordinance shall not have effect and shall abate.

GOVIND NARAIN,
GOVERNOR OF KARNATAKA.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, Bl'ore

Reg. No. KRNA—25.

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV-2-B

BANGALORE, MONDAY, JULY 31, 1978
(SHRAVANA 9, SAKA ERA 1900).

No. 1086

Law and Parliamentary Affairs Secretariat

Notification No. LAW 40 LGN 78

Bangalore, dated 31st July 1978.

Ordered that the Karnataka Appropriation (No.2) Act, 1978 which received the assent of the Governor on the Thirty-first day of July 1978 be published as Karnataka Act No. 11 of 1978 in the *Karnataka Gazette* for general information

KARNATAKA ACT NO. 11 OF 1978.

(*First published in the* Karnataka Gazette *Extraordinary on the Thirty-first day of July 1978*).

THE KARNATAKA APPROPRIATION (No. 2) ACT, 1978.

(*Received the assent of the Governor on the Thirty-first day of July 1978*).

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Karnataka for the services of the financial year 1978-79.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of the financial year 1978-79.

BE it enacted by Karnataka State Legislature in the Twenty-ninth year of the Republic of India as follows:—

1. Short title—This Act may be called the Karnataka Appropriation (No. 2) Act, 1978.

2. Issue of rupees 1303,27,30,000 out of the Consolidated Fund of the State of Karnataka for the financial year 1978-79—From and out of the Consolidated Fund of the State of Karnataka, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [Inclusive of sums specified in column 3 of the Schedule to the Karnataka Appropriation (Vote on Account) Act, 1978] to the sum of one thousand three hundred three crores twenty-seven lakhs, and thirty thousand only towards defraying the several charges which will come in course of payment during the financial year 1978-79, in respect of the services specified in column 2 of the Schedule.

3. **Appropriation**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Karnataka by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(*See* sections 2 and 3)

No. of Vote	Services and Purposes	Sums not exceeding		Total
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2	3		4
1	Agriculture (Excluding Horticulture and Drought Prone Areas Programme) ...	19,78,20,000	30,000	19,78,50,000
2	Horticulture ...	3,51,45,000	30,000	3,51,75,000
3	Soil and Water Conservation ...	9,45,94,000	6,000	9,46,00,000
4	Animal Husbandry and Dairy Development	14,16,66,000	11,000	14,16,77,000
5	Industries (Excluding Small Scale Industries and Sericulture) ...	34,03,35,000	65,000	34,04,00,000
6	Mines and Geology ...	2,74,44,000	26,000	2,74,70,000

7	Small Scale Industries ...	7,98,10,000	31,000	7,98,41,000
8	Sericulture ...	4,06,08,000	1,000	4,06,09,000
9	Stationery and Printing ...	3,08,00,000	...	3,08,00,000
10	Higher Education ...	24,54,74,000	30,000	24,55,04,000
11	Youth Services and Academics ...	3,88,59,000	10,000	3,88,69,000
12	Primary and Secondary Education ...	115,29,47,000	15,000	115,29,62,000
...	Appropriation for Reduction or Avoidance of debt ...		20,02,00,000	20,02,00,000
...	Interest Paymen ...		53,38,00,000	53,38,00,000
...	Internal Debt. Loans from Central Government and Inter-State Settlement ...		251,77,00,000	251,77,00,000
13	Taxes on Income, Professions, Sales and other Services ...	3,52,38,000	62,000	3,53,00,000
14	Treasury and Accounts Administration ..	2,15,90,000	10,000	2,16,00,000
15	Pension and Other Retirement Benefits ...	26,10,00,000	40,00,000	26,50,00,000
16	Loans to Government Servants and Miscellaneous Loans ...	14,75,00,000	...	14,75,00,000

THE SCHEDULE—(contd.)

No. of Vote	Service and Purposes		Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the consolidated Fund	
1	2		3		4
17	Insurance and Pensions under Social Security Schemes		9,70,20,000		9,70,20,000
18	Miscellaneous General Services	...	2,85,73,000	40,000	2,86,13,000
19	Food and Civil Supplies	...	35,03,53,000	10,000	35,03,63,000
20	Forest	...	21,38,00,000	1,31,20,000	22,69,20,000
21	State Excise	...	4,08,30,000	70,000	4,09,00,000
22	Taxes on Vehicles	...	1,04,90,000	10,000	1,05,00,000
23	Police and Fire Services	...	27,50,40,000	60,000	27,51,00,000
24	Jails	...	1,76,10,000	10,000	1 76,20,000

25	Information and Publicity ...	1,84,90,000	10,000	1,85,00,000
26	Road Transport and Tourism ...	1,36,40,000	15,50,000	1,51,90,000
27	Medical Services and Family Welfare ...	43,31,35,000	20,000	43,31,55,000
28	Public Health and Sanitation ...	8,02,75,000	10,000	8,02,85,000
29	Housing (Excluding Government Residential Buildings) ...	17,40,00,000		17,40,00,000
30	Urban Development ...	14,07,52,000		14,07,52,000
31	Minor Irrigation ...	23,88,30,000		23,88,30,000
32	Irrigation, Navigation, Drainage and Flood Control Projects ...	151,55,23,000	1,10,00,000	152,65,23,000
33	State Legislature ...	80,81,000	3,19,000	84,00,000
34	Administration of Justice ...	5,35,00,000	78,00,000	6,13,00,000
35	Elections ...	56,90,000	10,000	57,00,000
36	Governor, Ministers and Public Service Commission ...	47,00,000	49,00,000	96,00,000
37	Secretariat ...	3,91,44,000	32,000	3,91,76,000
38	District Administration ...	5,46,70,000	30,000	5,47,00,000

SCHEDULE

(*See* Sections 2 and 3)

No. of Vote	Service and Purposes		Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2		3		4
39	Bangalore Development Authority and other Services	...	4,48,61,000	72,000	4,49,33,000
40	Area Development	...	7,15,10,000	...	7,15,10,000
41	Public Works (Excluding Construction)	...	26,11,19,000	2,00,000	26,13,19,000
42	Buildings	...	14,45,81,000	5,55,000	14,51,36,000
43	Roads and Bridges	...	31,63,00,000	2,50,00,000	34,13,00,000
44	Public Health Engineering	...	10,95,00,000	15,000	10,95,15,000
45	Ports and Water Transport Services	...	2,62,48,000	14,000	2,62,62,000
46	Power Projects	...	75,57,95,000	5,000	75,58,00,000

47	Land Revenue, etc, ...	40,24,10,000	15,10,000	40,39,20,000
48	Stamps and Registration ...	1,37,90,000	10,000	1,38,00,000
49	Relief on Account of Natural Calamities ...	1,08,00,000	...	1,08,00,000
50	Rehabilitation Schemes ...	42,80,000	...	42,80,000
51	Religious and Charitable Institutions, etc...	43,43,000	...	43,43,000
52	Wakfs ...	19,75,000	...	19,75,000
53	Co-operation, (Excluding Regulated Markets) ...	17,41,51,000	79,000	17,42,30,000
54	Regulated Markets ...	1,69,85,000	1,000	1,69,86,000
55	Community Development ...	16,25,29,000	21,000	16,25,50,000
56	Drought Prone Areas Programme ...	11,76,62,000	...	11,76,62,000
57	Compensation and Assignment to Local Bodies and Panchayat Raj Institutions ...	9,33,00,000	15,00,000	9,48,00,000
58	Labour and Employment ...	3,23,93,000	7,000	3,24,00,000
59	Social Security and Welfare (excluding Women and Childrens Welfare) ...	13,25,70,000	1,05,000	13,26,75,000
60	Women and Childrens Welfare ...	5,57,75,000	55,000	5,58,30,000
61	Fisheries ...	5,06,98,000	2,000	5,07,00,000
	Grand Total ...	970,85,51,000	332,41,79,000	1303,27,30,000

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio,
Additional Secretary to Government
Dept. of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, AUGUST 8, 1978
(SHRAVANA 17, SAKA ERA 1900).

No. 1120

Law and Parliamentary Affairs Secretariat

NOTIFICATION

No. LAW 22 LGN 78,

Bangalore, dated 8th August 1978.

Ordered that the **Karnataka Forest (Amendment) Act, 1978** which received the assent of the Governor on the eighth day of August 1978 be published as Karnataka Act No. 15 of 1978 in the **Karnataka Gazette** for general information.

KARNATAKA ACT No. 15 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the Eighth day of August* 1978).

THE KARNATAKA FOREST (AMENDMENT) ACT, 1978

(*Received the assent of the Governor on the Eighth day of August* 1978).

An Act further to amend the Karnataka Forest Act, 1963.

Whereas it is expedient further to amend the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964);

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement**.—(1) This Act may be called the Karnataka Forest (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the Twenty-seventh day of April 1978.

2. **Amendment of section 28**.—In section 28 of the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964), (hereinafter referred to as the principal Act) after the first proviso to sub-section (1), the following further proviso shall be inserted, namely :—

"Provided further that no such resolution shall be necessary where the proposal relates to regularisation of unauthorised occupation of any reserved forest or portion thereof, if such occupation was prior to the date of commencement of the Karnataka Forest (Amendment) Act, 1978."

3. **Repeal of Karnataka Ordinance No. 3 of 1978**. (1) The Karnataka Forest (Amendment) Ordinance, 1978, (Karnataka Ordinance No. 3 of 1978) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, Bhow

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, AUGUST 8, 1978
(SHRAVANA 17, SAKA ERA 1900).

No. 1122

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 24 LGN 78,

Bangalore, dated 8th August 1978.

Ordered that the **Karnataka Co-operative Societies (Amendment) Act, 1978** which received the assent of the Governor on the Eighth day of August 1978 be published as Karnataka Act No. 14 of 1978 in the **Karnataka Gazette** for general information.

KARNATAKA ACT No. 14 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the Eighth day of August* 1978).

THE KARNATAKA CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1978.

(*Received the assent of the Governor on the Eighth day of August* 1978).

An Act further to amend the Karnataka Co-operative Societies Act, 1959.

Wheras it is expedient further to amend the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Co-operative Societies (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the twenty-seventh day of April 1978.

2. Amendment of section 14A.—In section 14A of the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) (hereinafter referred to as the principal Act),—

(1) after sub-section (1), the following sub-section shall be and shall always be deemed to have been inserted, namely :—

"(1A) Before making an order under sub-section (1) it shall not be necessary for the Registrar or any other officer to give any co-operative society or person likely to be affected by such order an opportunity of making representation or of being heard",

(2) in sub-section (2),—

(a) in sub-clause (ii) of clause (b), before the words "who shall" the words and figures, "subject to section 111A" shall be and shall always be deemed to have been inserted.

(b) after sub-clause (iii), the following proviso shall be and shall always be deemed to have been inserted, namely :—

"Provided that the Registrar may by order curtail the term specified under sub-clause (i) and take necessary steps to hold the general meeting of the co-operative society and elections before the expiry of the term so curtailed."

3. Validation.—Notwithstanding anything contained in any judgment, decree or order of any court or other authority, no order of amalgamation, division or reorganisation of co-operative societies made under section 14A of the principal Act by the Registrar or any other officer prior to the commencement of this Act shall be deemed to be invalid or to have become invalid only on the ground that the said order was made without authority or without giving an opportunity of being heard to the affected co-operative societies or persons and all orders of amalgamation, division or re-organisation of co-operative societies so made before the commencement of this section shall be deemed to be valid and effective as if they had been made in accordance with the provisions of the principal Act as amended by this Act and the Karnataka Ordinance 7 of 1977 and accordingly, all orders issued, things done, proceedings or action taken,

(a) by the Registrar or by any other officer for the amalgamation, division or re-organisation of co-operative societies ; or

(b) by the amalgamated, divided or re-organised co-operative societies,

shall, for all purposes, be deemed to be and to have alway been issued, done or taken in accordance with law.

4. Repeal of Karnataka Ordinance No. 2 of 1978.—

(1) The Karnataka Co-operative Societies (Amendment) Ordinance, 1978 (Karnataka Ordinance No. 2 of 1978) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25.

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV-2-B

BANGALORE, SATURDAY, AUGUST 5, 1978
(SHRAVANA 14, SAKA ERA 1900).

No. 1108

Law and Parliamentary Affairs Secretariat

Notification No. LAW 33 LGN 78

Bangalore, dated 4th August 1978.

Ordered that the City of Mysore Improvement (Amendment) Act, 1978 which received the assent of the Governor on the fourth day of August 1978 be published as Karnataka Act No. 12 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 12 O F 1978

(First published in the Karnataka Gazette *Extraordinary on the Fifth day of August 1978)*

THE CITY OF MYSORE IMPROVEMENT (AMENDMENT) ACT, 1978:

(Received the assent of the Governor on the Fourth day of August 1978)

An Act further to amend the City of Mysore Improvement Act, 1903.

Whereas it is expedient further to amend the City of Mysore Improvement Act, 1903 (Mysore Act 3 of 1903) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the City of Mysore Improvement (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the thirty-first day of May 1978.

2. **Amendment of section 10.**—In sub-section (2) of section 10 of the City of Mysore Improvement Act, 1903 (Mysore Act 3 of 1903) (hereinafter referred to as the principal Act), for the words "ten thousand" occurring in the two places, the words "fifty thousand" shall be substituted.

3. **Insertion of new section 25A.**—After section 25 of the principal Act, the following section shall be inserted, namely :—

"**25A. Power of Board to borrow.**—(1) The Board may, from time to time, with the previous sanction of the

Government and subject to such conditions as may be prescribed in this behalf, borrow any sum of money required for the purpose of this Act.

(2) The rules made by the Government for the purpose of this section may empower the Board to borrow monies by the issue of debentures and to make arrangement with the bankers.

(3) Debentures issued by the Board shall be in such form as the Board, with the sanction of the Government, may, from time to time determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of principal and payment of interest at such rate as may be fixed by the Government".

4. Repeal of Karnataka Ordinance No. 5 of 1978.— (1) The City of Mysore Improvement (Amendment) Ordinance, 1978 (Karnataka Ordinance No. 5 of 1978) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

Part IV—2-B

BANGALORE, MONDAY, AUGUST 7, 1978
(SHRAVANA 16, SAKA ERA 1900).

No. 1116

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 35 LGN 78

Bangalore, dated 7th August 1978

Ordered that the **Karnataka** Village Offices **Abolition** (**Amendment**) **Act, 1978** which received the assent of the President on the Seventh day of August 1978, be published as Karnataka Act No. 13 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 13 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Seventh day of August 1978)*

THE KARNATAKA VILLAGE OFFICES ABOLITION (AMENDMENT) ACT, 1978.

(Received the assent of the President on the Seventh day of August 1978)

An Act further to amend the Karnataka Village Offices Abolition Act, 1961.

WHEREAS it is expedient further to amend the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961) for the purposes hereinafter appearing ;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Village Offices Abolition (Amendment) Act, 1978.

(2) This section, section 2, section 3 and section 7A in section 4 shall come into force at once and the other provisions shall be deemed to have come into force on the twenty-fourth day of December, 1975.

2. Amendment of section 3.— In section 3 of the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961), (hereinafter referred to as the principal Act), in sub-section (2), at the end, the following shall be added, namely :—

" The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963) shall be applicable to such appeal. "

3. Amendment of section 5. —In section 5 of the principal Act,—

(1) in sub-section (3), for the words "without the previous sanction of the Deputy Commissioner and such sanction shall be granted only on payment of an amount equal to fifteen times the amount of full assessment of the land" the words, brackets and figures "for a period of fifteen

years from the date of commencement of section 1 of the Karnataka Village Offices Abolition (Amendment) Act, 1978" shall be substituted ;

(2) after sub-section (3), the following sub-sections shall be and shall be deemed always to have been inserted namely :—

"(4) Any transfer of land in contravention of sub-section (3) shall be null and void and the land so transferred shall, as penalty, be forfeited to and vest in the State Government free from all encumbrances and any person in possession thereof shall be summarily evicted therefrom by the Deputy Commissioner and the land shall be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands :

Provided that if the person who has transferred the land in contravention of sub-section (3) is not alive, while disposing of such land preference shall be given to the heirs of such person.

Explanation :—For removal of doubts it is hereby declared that in sub-section (3), and in this sub-section transfer includes creation of a lease.

(5) Nothing in sub-section (3) shall apply to transfer in favour of the State Government, a co-operative society and a bank as security for loans granted for improvements of such land or for buying cattle or agricultural implements for the cultivation of such land.

Explanation.—'bank' means,—

(i) a banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949) ;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955) ;

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959) ;

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) ;

(v) a regional rural bank constituted under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976) ;

(vi) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963) ;

(vii) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 (Central Act 1 of 1956).

(6) Notwithstanding anything contained in any law for the time being in force, any agreement for transfer of land resumed under clause (3) of section 4, entered into prior to regrant thereof under sub-section (1), shall be null and void and any person in possession thereof in furtherance of such agreement shall be summarily evicted therefrom by the Deputy Commissioner."

4. **Substitution of new sections for section 7**.—For section 7 of the principal Act, the following sections shall be substituted, namely :—

"**7. Eviction of unauthorised holders etc.** :—(1) Where any land resumed under clause (3) of section 4 is in the possession of an unauthorised holder such unauthorised holder shall be summarily evicted therefrom and the land shall be taken possession of by the Deputy Commissioner in accordance with law :

Provided that no such summary eviction shall be made except after giving the person affected a reasonable opportunity of making representation.

(2) Any order of eviction passed under sub-section (1) shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by the Deputy Commissioner in pursuance of the power conferred by sub-section (1).

(3) The land from which an unauthorised holder is evicted under sub-section (1) shall,—

(a) if it was granted or continued in respect of or annexed to an inferior village office be regranted to the holder of such village office ; and

(b) in other cases be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands.

7A. Restriction on transfer etc.—(1) No person shall transfer or acquire by transfer for a period of fifteen years from the date of commencement of this section any land disposed or regranted under sub-section (4) of section 5 or sub-section (3) of section 7 and any transfer of such land in contravention thereof shall be null and void. The land so transferred shall vest in the State Government free from all encumbrances. The provisions of sub-section (5) of section 5 shall *mutatis mutandis* apply to transfer of such land.

(2) Any person who acquires by transfer such land in contravention of sub-section (1) shall on conviction be punished with imprisonment which may extend to six months".

5. Savings.—All pending applications and proceedings relating to regrant of land to unauthorised holders under the proviso to sub-section (1) of section 7 of the principal Act as it stood prior to the commencement of this Act shall not have effect and shall abate.

6. Repeal of Karnataka Ordinance No. 7 of 1978:—(1) The Karnataka Village Offices Abolition (Amendment) Ordinance, 1978 (Karnataka Ordinance No. 7 of 1978) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the princi al Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, AUGUST 8, 1978
(SHRAVANA 17, SAKA ERA 1900)

No. 1121

Law and Parliamentary Affairs Secretariat

NOTIFICATION

No. LAW 23 LGN 78,

Bangalore, dated 8th August 1978.

Ordered that the **Karnataka Khadi and Village Industries (Amendment) Act, 1978** which received the assent of the Governor on the Enghth day of August 1978 be published as Karnataka Act No. 16 of 1978 in the **Karnataka Gazette** for general information.

KARNATAKA ACT No. 16 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the Eighth day of August* 1978).

THE KARNATAKA KHADI AND VILLAGE INDUSTRIES (AMENDMENT) ACT, 1978.

(*Received the assent of the Governor on the Eighth day of August* 1978).

An Act further to amend the Karnataka Khadi and Village Industries Act, 1956.

Whereas it is expedient further to amend the Karnataka Khadi and Village Industries Act, 1956 (Karnataka Act 7 of 1957) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Khadi and Village Industries (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the eleventh day of May 1978.

2. Amendment of section 4.— In section 4 of the Karnataka Khadi and Village Industries Act, 1956 (Karnataka Act 7 of 1957), (hereinafter referred to as the principal Act),—

(1) in sub-section (1), for the word "fifteen", the word "nine" shall be substituted;

(2) for sub-section (4), the following sub-sections shall be substituted, namely :—

"(4) Subject to the pleasure of the State Government and sub-section (4A), the term of office and the terms and conditions of service of the Chairman and other members of the Board shall be such as may be prescribed.

(4A) The State Government may, from time to time, grant to the Chairman such leave as may be prescribed and may appoint any other member to act for the Chairman during such leave and such member shall, while so acting, for the purposes of this Act, be deemed to be the Chairman."

3. **Insertion of new section 7A.**—After section 7 of the principal Act, the following section shall be inserted, namely :—

"**7A. Filling of a casual vacancy.**—Where a vacancy occurs on account of removal, resignation, death or otherwise of a person appointed as a member, the vacancy shall be filled by the State Government by appointment of a new member and the person so appointed shall hold office for the remainder of the term of the member in whose place he is appointed".

4. **Amendment of section 21.**—In sub-section (3) of section 21 of the principal Act, after the words "in the State", the words, brackets and figures "or a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 or the State Bank of India constituted under the State Bank of India Act, 1955 or a subsidiary bank as defined in the State Bank of India (Subsidiary Banks), Act, 1959, or a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970" shall be inserted.

5. **Amendment of section 31.**—In sub-section (2) of section 31 of the principal Act, for clause (a), the following clause shall be substituted, namely:-

"(a) the term of office and the terms and conditions of service of the Chairman and other members of the Board under section 4;".

6. **Repeal of Karnataka Ordinance No. 4 of 1978.**—(1) The Karnataka Khadi and Village Industries (Amendment) Ordinance, 1978 (Karnataka Ordinance No. 4 of 1978) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Reg. No. KRNA—26

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, AUGUST 8, 1978
(SHRAVANA 17, SAKA ERA 1900).

No. 1123

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 34 LGN 78,

Bangalore, dated 8th August 1978.

Ordered that the **Karnataka Village Panchayats and Local Boards (Amendment) Act, 1978** which received the assent of the Governor on the Eighth day of August 1978 be published as Karnataka Act No. 17 of 1978 in the Karnataka Gazette for general information.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, AUGUST 8, 1978
(SHRAVANA 17, SAKA ERA 1900). | No. 1123

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 34 LGN 78,

Bangalore, dated 8th August 1978.

Ordered that the **Karnataka Village Panchayats and Local Boards (Amendment) Act, 1978** which received the assent of the Governor on the Eighth day of August 1978 be published as Karnataka Act No. 17 of 1978 in the Karnataka Gazette for general information.

KARNATAKA ACT No. 17 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the Eighth day of August* 1978).

THE KARNATAKA VILLAGE PANCHAYATS AND LOCAL BOARDS (AMENDMENT) ACT, 1978

(Received the assent of the Governor on the Eighth day of August 1978).

An Act further to amend the Karnataka Village Panchayats and Local Boards Act, 1959.

WHEREAS it is expedient further to amend the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act 10 of 1959) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :-

1. Short title and commencement.—(1) This Act may be called the Karnataka Village Panchayats and Local Boards (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the twelfth day of June 1978.

2. Amendment of section 7.—In section 7 of the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act 10 of 1959), after sub-section (2) the following sub-section shall be inserted, namely :—

"(3) Every election of members shall be subject to the control and supervision of the Government and it shall be lawful for the Government to issue directions for cancellation and modification of the calendar of events or postponement of the poll".

3. Repeal of Karnataka Ordinance No. 6 of 1978.—(1) The Karnataka Village Panchayats and Local Boards

(Amendment) Ordinance, 1978 (Karnataka Ordndance No. 6 of 1978) is hereby repealed.

(2) Notwithstanding such repeal anything done or action taken under the principal Act as amended by the said Ordinance shall be deemed to have done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25.

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV-2-B

BANGALORE, FRIDAY, SEPTEMBER 1, 1978
(BHADRAPADA 10, SAKA ERA 1900).

No. 1216

Law and Parliamentary Affairs Secretariat

Notification No. LAW 51 LGN 78

Bangalore, dated 31st August 1978.

Ordered that the Karnataka Sales Tax (Amendment) Act, 1978 which received the assent of the Governor on the thirty-first day of August 1978 be published as Karnataka Act No. 18 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 18 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the First day of September* 1978)

THE KARNATAKA SALES TAX (AMENDMENT) ACT, 1978.

(Received the assent of the Governor on the Thirty-first day of August 1978)

An Act further to amend the Karnataka Sales Tax Act, 1957

WHEREAS it is expedient further to amend the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957) for the purposes hereinafter appearing ;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows : —

1. Short title and commencement.—(1) This Act may be called the Karnataka Sales Tax (Amendment) Act, 1978.

(2) It shall come into force at once.

2. Amendment of section 13.—In clause (*b*) of sub-section (3) of section 13 of the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957),(hereinafter referred to as the principal Act), for the words, brackets and figures "the Code of Criminal Procedure, 1898 (Central Act 5 of 1898)", the words, brackets and figures "the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted.

3. Substitution of new sections for sections 18 and 18A.—For sections 18 and 18A of the principal Act, the following sections shall be substituted, namely :—

"18. *Collection of tax by dealers.*—(1) (*a*) A person who is not a registered dealer liable to pay tax shall not

collect any amount by way of tax or purporting to be by way of tax under this Act; nor shall a registered dealer collect any amount by way of tax or purporting to be by way of tax at a rate or rates exceeding the rate or rates specified under section 5.

(*b*) No person shall collect any amount by way of tax or purporting to be by way of tax in respect of sales of any goods on which no tax is payable by him under the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1), a dealer who has been permitted to pay any amount by way of composition under section 17 or a dealer who is exempted from sales tax by virtue of recognition granted under the provisions of this Act, shall not collect any amount by way of tax or purporting to be by way of tax on the sales or purchases of goods made during the period to which such composition or recognition applies.

(3) Notwithstanding anything contained in sub-sections (1) and (2),no dealer who is liable to pay additional tax under section 6B shall collect any amount by way of such additional tax or purporting to be by way of such additional tax payable by him.

18A. *Penalty for collection in contravention of section* 18.—If any person contravenes any of the provisions of section 18, the assessing authority may, after giving such person reasonable opportunity of being heard, by order in writing, impose upon him by way of penalty a sum not exceeding one and a half times such amount:

Provided that no proceedings under this section shall be commenced after a period of five years from the expiry of the year in which the amount has been collected:

Provided further that no prosecution for an offence under section 29 shall be instituted in respect of the same

facts on which a penalty has been imposed under this section.".

4. Amendment of section 20.—In sub-section (6) of section 20 of the principal Act, for the words and figures "sections 21 to 24" the words and figures "sections 22 to 24" shall be substituted.

5. Amendment of section 21.—In section 21 of the principal Act, after the words "regularity of such proceeding", in the two places where they occur, the words "in so far as it is prejudicial to the interests of the revenue" shall be inserted.

6. Amendment of section 28.—In section 28 of the principal Act,—

(1) in the proviso to clause (ii) of sub-section (2), for the words, brackets and figures "the Code of Criminal Procedure, 1898 (Central Act 5 of 1898)", the words, brackets and figures "the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted ;

(2) in the proviso to sub-section (3), for the words "thirty days", the words "sixty days" shall be substituted.

7. Amendment of section 28A.—In section 28A of the principal Act,—

(1) in sub-section (2), after the words "and a bill of sale or delivery note", the words "or such other documents as may be prescribed" shall be inserted ;

(2) after sub-section (3), the following sub-section shall be inserted, namely.—

"(3A) Where goods are delivered to a carrier or other bailee for transmission, the movement of the goods shall be deemed to commence at the time of such delivery and terminate at the time when delivery is taken from such carrier or bailee. Where before delivery is taken from him a carrier or bailee to whom goods are delivered for trans-

mission, keeps the said goods in any office, shop, godown, vessel, receptacle, vehicle or any other place of business or any building or place, any officer empowered by the State Government in this behalf shall have power to enter into and search such office, shop, godown, vessel, receptacle, vehicle or other place of business or building or place, and to examine the goods and inspect all records relating to such goods. The carrier or bailee or the person in charge of the goods and records shall give all facilities for such examination or inspection and shall, if so required, produce the bill of sale or delivery note or other documents referred to in sub-section (2) and give a declaration containing such particulars as may be prescribed regarding the goods and give his name and address and the name and address of the carrier or the bailee and the consignee.";

(3) in sub-section (4), for the words, brackets and figures "sub-section (2) or (3)", the words, brackets, figures and letter "sub-section (2) or (3) or (3A)" shall be substituted.

8. Amendment of Second Schedule.—In the Second Schedule to the principal Act,—

(1) in the entries relating to serial number 18, in column 2, after the word "parts", the words "and accessories" shall be inserted ;

(2) for serial number 24 and entries relating thereto, the following serial numbers and entries shall be and shall be deemed to have been substituted with effect from the 1st day of January 1978, namely :—

"24.	All kinds of mill yarn excluding cotton yarn and filature silk.	Three per cent
24A.	Sewing thread	Three per cent"

(3) in the entries relating to serial number 35, in column 2, after the words "by whatever name called" the words and figures " and cooking medium other than those specified in serial number 47" shall be inserted ;

(4) in the entries relating to serial number 36, in column 2, after the word "Cement", the words "and water proofing compounds" shall be added ;

(5) in the entries relating to serial number 38, in column 2, for the words "country liquor" the words "toddy and arrack" shall be substituted ;

(6) in the entries relating to serial number 39, in column 2, for the words "Country liquor other than toddy" the word "Arrack" shall be substituted ;

(7) after the entries relating to serial number 41, the following entries shall be inserted, namely,—

"41A.	Stethoscopes, thermometers, lactometers, B.P. instruments, surgical cotton wool, enema cans, bed-pans, mosquito repellants and sanitary towels.	Eight per cent"

(8) in the entries relating to serial number 56, in column 2, for the words "and telescopes", the words "telescopes, microscopes and parts and accessories thereof" shall be substituted ;

(9) after the entries relating to serial number 57, the following entries shall be inserted, namely,—

"57A.	Tape recorders, their parts and accessories and tapes and cassettes for tape-recorders.	Fifteen per cent"

(10) in the entries relating to serial number 58, for the entries in column 2, the following entries shall be substituted, namely,—

"Upholstered furniture and furniture of every description including safes, treasure chests, and parts and accessories thereof but excluding wooden furniture".

(11) in the entries relating to serial number 59, in column 2, after the words "cigarette cases", the words "tobacco pipes" shall be inserted ;

(12) in the entries relating to serial number 61, in column 2, for the word "accessories", the words "parts and accessories" shall be substituted ;

(13) in the entries relating to serial number 68,—

(i) in column 2, for the words " Stainless steel sheets and articles ", the words "Articles" shall be substituted ;

(ii) in column 3, for the words"Eight per cent", the words "Ten per cent" shall be substituted;

(14) in the entries relating to serial number 73, in column 2, the words and brackets "(including batteries)" shall be omitted ;

(15) after the entries relating to serial number 73A, the following entries shall be inserted, namely :—

"73B.	Batteries of motor vehicles and parts thereof.	Thirteen per cent"

(16) in the entries relating to serial number 77, in column 2, after the words "wall tiles", the words "and jointing powder and situ mixture" shall be inserted ;

(17) in the entries relating to serial number 78, in column 3, for the words"Eight per cent", the words "Ten per cent" shall be substituted ;

(18) in the entries relating to serial number 79, for the entries in column 2, the following entries shall be substituted, namely :—

" Chemicals of all kinds "

(19) in the entries relating to serial number 81A, for the entries in column 2, the following entries shall be substituted, namely :—

" Dusters and Sprayers used for dusting and spraying pesticides and insecticides and their spare parts (other than oil engines or electric motors) and accessories "

(20) in the entries relating to serial number 85, in column 3, for the words"Fourteen per cent",the words "Fifteen per cent" shall be substituted ;

(21) in the entries relating to serial number 89, in column 2, after the words "grease and furnace oil" the words "transformer oil and coolants"shall be inserted;

(22) in the entries relating to serial number 94, in column 2, after the words "detergent powders and liquids", the words "and laundry brighteners" shall be inserted ;

(23) in the entries relating to serial number 95, for the entries in column 2, the following entries shall be substituted, namely :—

"Ice, Ice-candy, Ice-cream and Ice-fruit" ;

(24) in the entries relating to serial number 97,

(i) in column 2, for the words "and varnish",the words "varnishes, pigments, polishes, indigo, enamel, putty, bale oil, white oil, turpentine, thinners, primers and paint brushes" shall be substituted ;

(ii) in column 3, for the words"Eight per cent", the words "Ten per cent" shall be substituted.

(25) in the entries relating to serial number 103, in column 2, after the words "Ivory articles",the words "and sandalwood articles" shall be inserted ;

(26) in the entries relating to serial number 108, for the entries in column 2, the following entries shall be substituted, namely :—

"Wooden furniture and parts and accessories thereof";

(27) in the entries relating to serial number 109, for the entries in column 2, the following entries shall be substituted, namely :—

"Glass sheets and all articles made of glass" ;

(28) in the entries relating to serial number 110, in column 2, after the words "all articles made of", the words "plastic, polythene or" shall be inserted ;

(29) in the entries relating to serial number 114, in column 2, after the words "Musical instruments", the words "and parts and accessories thereof" shall be inserted ;

(30) after the entries relating to serial number, 119 the following entries shall be inserted, namely,—

"119A.	Gas stoves, kerosene stoves, their parts and accessories.	Eight per cent"

(31) in the entries relating to serial number 121, in column 3, for the words "Eight per cent" the words "Ten per cent" shall be substituted.

(32) in the entries relating to serial number 122, in column 2, for the words "bronze and brass", the words "bronze, brass and aluminium" shall be substituted.

(33) in the entries relating to serial number 124 in column 2, after the words "Tractor-trailors" the words "and parts and accessories thereof" shall be inserted ;

(34) in the entries relating to serial number 125 for the entries in column 2, the following entries shall be substituted, namely,—

	"All kinds of paper including carbon paper, blotting paper, water proof paper, PVC coated paper, Ferro papers, Ammonia paper, stencil paper but excluding paper falling under serial number 55 ; pulp boards, art boards, duplex boards, triplex boards, card boards, corrugated boards and the like ; cellophane."	

(35) after the entries relating to serial number 140 the following entries shall be inserted, namely,—

"141.	(i) Raw rubber namely, latex	Six per cent.
	(ii) Latex foam sponge	Eight per cent.
	(iii) Rubber plates, sheets and strips unhardened, whether vulcanised or not, and whether combined with any textile material or otherwise.	Eight per cent.
	(iv) Piping and tubing of unhardened vulcanised rubber.	Eight per cent.

	(v) Transmission, conveyor or elevator belts or belting of vulcanised rubber whether combined with any textile material or otherwise.	Eight per cent.
	(vi) Synthetic rubber including butadiene, acrylonitrile rubber, styrene butadiene rubber and butyl rubber, synthetic rubber latex including pre-vulcanised synthetic rubber latex.	Eight per cent.
142.	All kinds of inks	Eight per cent.
143.	Metal caps	Eight per cent."

(36) Explanation II shall be omitted.

9. Amendment of Third Schedule.—In the Third Schedule to the principal Act,—

(1) in the entries relating to serial number 4a, in column 3, for the words "Three per cent", the words "Four per cent" shall be substituted.

(2) in the entries relating to serial number 13a, in column 2, after the word "lobsters" the words "other than processed or frozen shrimps, prawns and lobsters," shall be and shall be deemed always to have been inserted;

(3) the following explanation shall be and shall be deemed always to have been inserted, at the end, namely,—

"*Explanation.*—In item 13a, "processing" includes all or any of the following namely, cutting of head or tail, peeling, deveining, cleaning or freezing.".

10. Amendment of Fourth Schedule.—In the Fourth Schedule to the principal Act,—

(1) in the entries relating to serial number 7, in column 4, for the words "One and a half per cent", the words "Three per cent" shall be substituted;

(2) in the entries relating to serial number 9, in column 2, for the word "rice", the words "paddy and rice" shall be substituted ;

(3) the following explanation shall be added at the end, namely :—

"*Explanation*.—Where a tax has been levied under this Act in respect of the sale or purchase of any paddy referred to in serial number 9, the tax leviable on rice procured out of such paddy shall be reduced by the amount of tax levied on such paddy."

11. Amendment of Fifth Schedule.- In the Fifth Schedule to the principal Act, serial number 44 and entries relating thereto shall be omitted.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2 B

BANGALORE, SATURDAY, SEPTEMBER 2, 1978
(BHADRAPADA 11, SAKA ERA 1900).

No. 1222

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 56 LGN 78

Bangalore, dated 2nd September 1978.

Ordered that the Karnataka Municipalities (Amendment) Ordinance, 1978 promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India, be published as Karnataka Ordinance No. 8 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 8 OF 1978

THE KARNATAKA MUNICIPALITIES (AMENDMENT) ORDINANCE, 1978

(Promulgated by the Governor of Karnataka in the Twenty Ninth Year of the Republic of India and first published in the *Karnataka Gazette Extraordinary* on the Second day of September 1978)

An Ordinance further to amend the Karnataka Municipalities Act, 1964.

Whereas the Karnataka Legislative Assembly is not in session and only the Karnataka Legislative Council is in session, the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend to Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement** :—(1) This Ordinance may be called the Karnataka Municipalities (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Amendment of section 18** :—In section 18 of the Karnataka Municipalities Act, 1964, (Karnataka Act 22 of 1964).—

(1) in the proviso to sub-section (1) as in force prior to 8th day of December 1976 for the words "one year" the words "twenty four months" shall be and shall be deemed to have been inserted with effect from the 1st day of January, 1973 ;

(2) for sub-section (1) as so amended, the following sub-section shall be and shall be deemed to have been substituted with effect from 8th day of December, 1976, namely :—

"(1) Save as provided in sub-section (2), the term of the office of a Councillor—

(a) elected at a general election shall be four years :

Provided that the Government may, by notification, for reasons to be specified therein, extend, either prospectively or retrospectively, the term of office of such Councillors by such period or periods as it deems fit, so, however, that the total period so extended shall not exceed twenty four months.

(b) appointed under section 12 shall be one year or till a Concillor is elected in the vacancy. whichever is earlier.

(1A) The term of office of a Councillor elected at a general election or appointed under section 12 shall commence on the date of publication of their names under section 20 or immediately after the expiry of the term of office of outgoing Councillors, whichever is later. Where the names are so published on more than one date the date by which the names of not less than two thirds of the total number of Councillors has been published shall be deemed to be the date of publication of names for the purposes of this section".

(3) In sub-section (2), the words "or appointed" shall be omitted.

GOVIND NARAIN,
Governor of Karnataka,

By Order and in the name of the Governor of Karnataka ;

K. R. CHAMAYYA,
Draftsman and Ex-officio *Additional Secretary to Government,*
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA -25

Karnataka Gazette

PUBLISHED BY AUTHORITY
(EXTRAORDINARY)
PART IV—2-B

BANGALORE, FRIDAY, NOVEMBER 17, 1978
(KARTHIKA 26, SAKA ERA 1900)

No. 1405

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 71 LGW 78

Bangalore, dated 17th November, 1978.

Ordered that the Karnataka Municipal Corporations (Amendment) Ordinance, 1978 promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India, be published as Karnataka Ordinance No. 12 of 1978 in the *Karnataka Gazette*, for general information

KARNATAKA ORDINANCE No. 12 OF 1978.

THE KARNATAKA MUNICIPAL CORPORATIONS (AMENDMENT) ORDINANCE, 1978.

(Promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India and first published in the *Karnataka Gazette* Extraordinary on the Seventeenth day of November, 1978).

An Ordinance further to amend the Karnataka Municipal Corporations Act, 1976.

Whereas the Karnataka Legislative Assembly is not in session and only the Karnataka Legislative Council is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977);

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Karnataka Municipal Corporations (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Amendment of Section 4.**—In section 4 of the Karnataka Municipal Corporations Act; 1976 (Karnataka Act 14 of 1977), in sub-section (2), in clause (a), for the words "three months", the words "one month" shall be substituted.

GOVIND NARAIN
GOVERNOR OF KARNATAKA.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA
Draftsman and Ex-Officio
Additional Secretary to Government
Department of Law and Parliamentary Affairs

Printed by the Director of Printing Sty. & Publns. at the Govt. Press, B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, SATURDAY NOVEMBER 25, 1978
(MARGASIRA 4, SAKA ERA 1900). | No. 1424

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 21 LGN 78

Bangalore, dated 25th November 1978.

Ordered that the **Karnataka Civil Courts (Second Amendment) Act, 1978** which received the assent of the President on the Twenty-Second day of November 1978 be published as Karnataka Act No. 28 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 28 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Twenty-fifth day of November, 1978)*

THE KARNATAKA CIVIL COURTS (SECOND AMENDMENT) ACT, 1978.

(Received the assent of the President on the Twenty-second day of November, 1978)

An Act further to amend the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964) ;

WHEREAS it is expedient further to amend the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964) for the purposes hereinafter appearing ;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Karnataka Civil Courts (Second Amendment) Act, 1978.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. **Amendment of section 23.**—In sub-section (1) of section 23 of the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964) (hereinafter referred to as the principal Act), the brackets, figures and words "(iv) The Indian Succession Act, 1925 (Central Act 39 of 1925)" shall be omitted.

3. **Insertion of new section 23A.**—After section 23 of the principal Act, the following section shall be inserted, namely :—

"**23A. Investiture of subordinate courts with jurisdiction of District Court under the Indian Succession Act, 1925.**—(1) The High Court may, by notification, invest any Civil Judge or Munsiff, within such local limits and subject to such pecuniary and other limitations as may

be specified in such notification, with all or any of the powers of a District Judge under the Indian Succession Act, 1925 (Central Act 39 of 1925).

(2) Any Civil Judge or Munsiff invested with powers under sub-section (1) shall have concurrent jurisdiction with the District Judge in the exercise of the powers conferred by the said Act upon the District Judge, and the provisions of the said Act relating to the District Judge shall apply to such Civil Judge or Munsiff, as the case may be, as if he were the District Judge :

Provided that every order made by the Civil Judge or the Munsiff by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal,—

(i) to the Court of Civil Judge when the order is passed by the Munsiff ;

(ii) to the District Court where the order is passed by a Civil Judge.

(3) Every order passed on appeal under the proviso to sub-section (2) shall be subject to appeal to the High Court under the rules contained in the Code of Civil procedure, 1908, applicable to appeals from appellate decrees".

4. Amendment of Central Act 39 of 1925.—In the Indian Succession Act, 1925 (Central Act 39 of 1925) as in force in the State of Karnataka, sections 265 and 388 shall be omitted.

By Order and in the name of the Governor of Karnataka,

R. G. DESAI,
Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2 B

BANGALORE, MONDAY, DECEMBER 18, 1978
(MARGASIRA 27, SAKA ERA 1900) | No. 1479

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 8 LGN 77

Bangalore, dated 16th December 1978

Ordered that the Madras Aliyasanthana (Karnataka Amendment) Act, 1978 which received the assent of the President on the Eleventh day of December, 1978 be published as Karnataka Act No. 30 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 30 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the Eighteenth day of December 1978*)

THE MADRAS ALIYASANTHANA (KARNATAKA AMENDMENT) ACT, 1978

(Received the assent of the President on eleventh day of December 1978)

An Act further to amend the Madras Aliyasanthana Act, 1949.

WHEREAS it is expedient further to amend the Madras Aliyasanthana Act, 1949 (Madras Act IX of 1949) for the purposes hereinafter appearing;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Madras Aliyasanthana (Karnataka Amendment) Act, 1978.

(2) It shall come into force at once.

2. Substitution of new section for section 6.—For section 6 of the Madras Aliyasanthana Act, 1949 (Madras Act IX of 1949) (hereinafter referred to as the principal Act), the following section shall be substituted, namely :—

"6. Application of certain provisions of the Hindu Marriage Act, 1955.—Provisions of sections 9 to 28 (both inclusive) of the Hindu Marriage Act, 1955 (Central Act 25 of 1955), for the time being in force, shall *mutatis mutandis* apply to persons governed by this Act and whose marriages are valid marriages under section 4.".

3. Omission of sections 8 to 12.—Sections 8 to 12 (both inclusive) of the principal Act shall be omitted.

4. Pending cases shall abate.—All petitions for dissolution of marriage presented under section 8 of the principal Act and all proceedings connected therewith pending before a court on the date of commencement of this Act shall with effect from such date stand abated.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,

Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parly. Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, MONDAY, DECEMBER 18, 1978
(MARGASIRA 27, SAKA ERA 1900).

No. 1481

Law and Parliamentary Affairs Secretariat

NOTIFICATION

No. LAW 67 LGN 78, Bangalore dated 18th December 1978

Ordered that the **Karnataka Co-Operative Societies (Second Amendment) Ordinance, 1978** promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India, be published as Karnataka Ordinance No.13 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 13 OF 1978

THE KARNATAKA CO-OPERATIVE SOCIETIES (SECOND AMENDMENT) ORDINANCE, 1978

(Promulgated by the Governor of Karnataka in the Twentyninth Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Eighteenth day of December, 1978.)

An Ordinance further to amend the Karnataka Co-operative Societies Act, 1959;

Whereas the Karnataka Legislative Assembly is not in session and only the Karnataka Legislative Council is in session, the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959);

Now, Therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely:—

1. Short title and commencement.—(1) This Ordinance may be called the Karnataka Co-operative societies (Second Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. Amendment of section 2.—In section 2 of the Karnataka Cooperative Societies Act, 1959 (Karnataka Act 11 of 1959) (hereinafter referred to as the principal Act), after clause (j), the following clause shall be inserted namely:—

"(j)(1) 'Secretary means, a Secretary of a Co-operative Society under section 111A."

3. Amendment of section 16.—In section 16 of the principal Act after sub-section (7), the following sub-section shall be and shall always be deemed to have been inserted, namely :—

"(8) Notwithstanding anything contained in this section and section 17, the State Government shall be deemed to have been admitted as a member of a Co-operative Society on the day it subscribes to the share capital of such Co-operative Society".

4. Amendment of section 20.—In section 20 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely :—

"Provided that, where the State Government is a member of the Co-operative Society, each person nominated or deemed to have been nominated by the State Government on the Committee of the Co-operative Society shall have one vote."

5. Amendment of section 30 B.—In section 30-B of the principal Act,—

(1) in sub-section (1),—

(a) for the words "Where the State Government is satisfied", the words "Where the Registrar is satisfied" shall be substituted ;

(b) for the words "it may issue directions", the words "he may issue directions" shall be substituted..

(2) in sub-section (2),—

(a) for the words "The State Government", the words "The Registrar" shall be substituted ;

(b) for the words "as it may deem fit", the words "as he may deem fit" shall be substituted ;

(3) Sub-section (3) shall be omitted.

5. Amendment of section 111A.—In sub-section (1) of section 111-A of the principal Act,—

(1) for the words "Every co-operative Society shall have a Secretary who shall be a whole time salaried officer of the co-operative Society" the words "The Chief

Administrative and Executive Officer of a Co-operative Society by whatever name called shall be the Secretary of such society' shall be substituted ;

(2) for the words "The Secretary shall be", the words" the Secretary shall be either a whole time or part time salaried officer and shall be" shall be substituted.

GOVIND NARAIN
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio,
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

Part IV—2-B

BANGALORE, FRIDAY, SEPTEMBER 15, 1978
(BHADRAPADA 24, SAKA ERA 1900).

No. 1245

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 52 LGN 77

Bangalore, dated 14th September 1978

Ordered that the **Karnataka Motor Vehicles Taxation (Amendment) Act, 1978** which received the assent of the Governor on the Thirteenth day of September 1978, be published as Karnataka Act No. 19 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 19 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Fifteenth day of September* 1978)

THE KARNATAKA MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1978.

(Received the assent of the Governor on the Thirteenth day of September 1978)

An Act further to amend the Karnataka Motor Vehicles Taxation Act, 1957.

WHEREAS it is expedient further to amend the Karnataka Motor Vehicles Taxation Act, 1957 (Karnataka Act 35 of 1957) for the purposes hereinafter appearing;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth year of the Republic of India as follows:-

1. Short title, commencement and duration.— (1) This Act may be called the Karnataka Motor Vehicles Taxation (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 1st day of July 1972 and shall remain in force upto and inclusive of the 30th day of June 1976.

2. Amendment of the Schedule.—In part 'A' of the Schedule to the Karnataka Motor Vehicles Taxation Act, 1957 (Karnataka Act 35 of 1957),—

(i) in item 4, for the word, figures and letter "item 4A", the words, figures and letters "items 4A and 6A" shall be substituted;

(ii) in item 4A, for the words "Motor Vehicles plying for hire or reward", the words, figures and letters "Motor vehicles other than those referred to under item 6A plying for hire or reward" shall be substituted.

(iii) after item 6, the following item shall be inserted, namely :-

"6A.	Motor Vehicles owned by Industrial Undertakings exclusively

used for conveyance of their employees from their residence to their factories and vice-versa and permitted to carry more than five persons excluding the driver :

for every passenger which the vehicle is permitted to carry	100.00	150.00"

3. Validation.—(1) Notwithstanding anything contained in any judgment, decree or order of any court, the levy or collection of any tax made or purported to have been made under items 4A of Part A of the Schedule to the Karnataka Motor Vehicles Taxation Act, 1957 (Karnataka Act 35 of 1957) shall be deemed to be as valid and effective as if such levy or collection had been made under the relevant provisions of the said Act as amended by this Act and accordingly,—

(*a*) no suit or other proceedings shall be maintained or continued in any court for the refund of any such tax ; and

(*b*) no court shall enforce any decree or order directing the refund of any such tax.

(2) For the removal of doubts it is hereby declared that nothing under sub-section (1) shall be construed as preventing any person,—

(*a*) from questioning, in accordance with the provisions of the principal Act as amended by this Act, the levy or collection of tax referred to in sub-section (1) ; or

(*b*) from claiming refund of any excess of amount paid by him by way of tax under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, FRIDAY, SEPTEMBER 15, 1978
(BHADRAPADA 24, SAKA ERA 1900). | **No. 1246**

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 83 LGN 77
Bangalore, dated 14th September 1978.

Ordered that the **Karnataka State Aid to Industries (Amendment) Act, 1978** which received the assent of the Governor on the Thirteenth day of September 1978 be published as Karnataka Act No. 20 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 20 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Fifteenth day of September* 1978)

THE KARNATAKA STATE AID TO INDUSTRIES (AMENDMENT) ACT, 1978.

(Received the assent of the Governor on the Thirteenth day of September 1978)

An Act further to amend the Karnataka State Aid to Industries Act, 1959.

Whereas it is expedient further to amend the Karnataka State Aid to Industries Act, 1959 (Karnataka Act 8 of 1960) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka State Aid to Industries (Amendment) Act, 1978.

(2) It shall come into force at once.

2. Insertion of new section 22 B.—After section 22 A of the Karnataka State Aid to Industries Act, 1959 (Karnataka Act 8 of 1960) (hereinafter referred to as the Principal Act), the following section shall be inserted, namely :—

"**22 B. Delegation of powers.**—The Government may, subject to such conditions as may be prescribed, by notification, delegate all or any of its powers under this Act, other than the power to make rules, to any officer or authority subordinate to it ".

3. Amendment of section 23.—In section 23 of the principal Act—

(i) in sub-section (2), in clause (xii), the word "and" at the end shall be omitted, and after clause (xii)

as so amended, the following clause shall be inserted, namely :—

"(xii A) the conditions subject to which the Government may delegate its power under section 22 B ; and" ;

(ii) sub-section (3) shall be renumbered as sub-section (4) thereof and before (4) as so renumbered, the following sub-section shall be inserted, namely :—

" (3) A rule under this Act may be made to have retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement which shall be laid before both Houses of the State Legislature. Subject to any modification made under sub-section (4), any rule made under this Act shall have effect as if enacted in this Act. ".

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, FRIDAY, SEPTEMBER 15, 1978
(BHADRAPADA 24, SAKA ERA 1900)

No. 1247

Law and Parliamentary Affairs Secretariat

Notification No. LAW 69 LGN 75.

Bangalore, dated 15th September 1978:

Ordered that the **Karnataka Laws (Amendment) Act, 1978** which received the assent of the Governor on the Thirteenth day of September 1978 be published as Karnataka Act No. 21 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 21 OF 1978

First published in the Karnataka Gazette *Extraordinary on the Fifteenth day of September* 1978)

THE KARNATAKA LAWS (AMENDMENT) ACT, 1978

(Received the assent of the Governor on the Thirteenth day of September 1978)

An Act to amend certain Karnataka Laws.

Whereas it is expedient to amend certain Karnataka Laws for the purpose hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Karnataka Laws (Amendment) Act, 1978.

(2) It shall come into force at once.

2. **Amendment of certain laws.**—(1) In the Acts mentioned in column 2 of the Schedule I, except to the extent specified in column 3 thereof for the word "Mysore" wherever it occurs, the word "Karnataka" shall be and shall always be deemed to have been substituted.

(2) The Act mentioned in column 2 of Schedule II, shall be amended as specified in column 3 thereof.

SCHEDULE-I

(*See* Section 2)

Sl. No.		Exception
1	2	3
1	The Mysore Appropriation (No. 4) Act, 1973 (Karnataka Act 22 of 1973).	
	The Mysore Public Service Commission (Conduct of Business and Additional Functions) (Amendment) Act, 1973 (Karnataka Act 23 of 1973).	
	The Mysore Agricultural Debtors (Temporary Protection) Act, 1973 (Karnataka Act 25 of 1973).	
	The Mysore Land Reforms (Amendment) Act, 1973 (Karnataka Act 1 of 1974).	
	The Municipal Taxation (Mysore Extension) Act, 1973 (Karnataka Act 13 of 1974).	
	The Mysore Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974).	
	The Motor Vehicles (Mysore Amendment) Act, 1973 (Karnataka Act 25 of 1975).	Except in section 2

SCHEDULE II

(*See* Section 2)

Sl. No.	Act	Amendments
1	2	3
1.	The Mysore Inams Abolition Laws (Amendment) Act, 1973 (Karnataka Act 27 of 1973).	(1) in the preamble for the words "Mysore State Legislature", the words "Karnataka State Legislature" shall be and shall always be deemed to have been substituted; (2) in the short title, for the words "Mysore Inams", the words "Karnataka Inams" shall be and shall always be deemed to have been substituted; (3) in section 2,— (i) in clause (iii), for the words "Mysore Inams", occurring in two places, the words "Karnataka Inams" shall be and shall always be deemed to have been substituted; (ii) in clause (iv), for the words, "Mysore Land Reforms", the words "Karnataka Land Reforms" shall be and shall always be deemed to have been substituted; (4) in section 3,— (i) in clause 7, for the words "Mysore Inams" occurring in two places the words "Karnataka Inams" shall be and shall always be deemed to have been substituted; (ii) in clause 9, for the words "Mysore Land Reforms", the words "Karnataka Land Reforms", shall be and shall always be deemed to have been substituted.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV 2-B

BANGALORE, THURSDAY, SEPTEMBER 14, 1978
(BHADRAPADA 23, SAKA ERA 1900)

No. 1241

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 20 LGN 78

Bangalore, dated 14th September 1978.

Ordered that the Karnataka Urban Land Tax (Amendment) Ordinance, 1978 promulgated by the Governor of Karnataka in the Twenty-ninth Year of the Republic of India be published as Karnataka Ordinance No. 9 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 9 OF 1978

THE KARNATAKA URBAN LAND TAX (AMENDMENT) ORDINANCE, 1978

(Promulgated by the Governor of Karnataka in the Twentyninth Year of the Republic of India and first published in the *Karnataka Gazette Extraordinary* on the Fourteenth day of September 1978)

An Ordinance further to amend the Karnataka Urban Land Tax Act, 1976.

Whereas the Karnataka Legislative Assembly is not in session and only the Karnataka Legislative Council is in session, and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Urban Land Tax Act, 1976 (Karnataka Act 39 of 1976) ;

Now, Therefore in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. Short title and commencement :—(1) This Ordinance may be called the Karnataka Urban Land Tax (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. Amendment of the Schedule :—In the proviso to Schedule to the Karnataka Urban Land Tax Act, 1976, (Karnataka Act 39 of 1976) for the words and brackets "two hundred and twenty-three square meters (two thousand four hundred square feet)", the words and brackets "three hundred and forty eight square meters (three thousand seven hundred and fifty square feet)" shall be and shall be deemed always to have been substituted.

GOVIND NARAIN,

Governor of Karnataka,

By Order and in the name of the Governor of Karnataka.

K. R. CHAMAYYA,

Draftsman and Ex-officio *Additional Secretary to Government,*
Department of Law and Parliamentary Affairs

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE FRIDAY, SEPTEMBER 22, 1978
(BHADRAPADA 31, SAKA ERA 1900). | **No. 1273**

Law and Parliamentary Affairs Secretariat

Notification No. LAW 9 LGN 78
Bangalore, dated 21st September 1978.

Ordered that the **Karnataka Electricity Supply Undertakings (Acquisition) (Amendment) Act, 1978** which received the assent of the Governor on the Sixteenth day of September 1978 be published as Karnataka Act No. 23 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 23 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Twenty Second day of September* 1978)

THE KARNATAKA ELECTRICITY SUPPLY UNDERTAKINGS (ACQUISITION) (AMENDMENT) ACT, 1978.

(Received the assent of the Governor on the Sixteenth day of September 1978)

An Act further to amend the Karnataka Electricity Supply Undertakings (Acquisition) Act, 1974.

WHEREAS it is expedient further to amend the Karnataka Electricity Supply Undertakings (Acquisition) Act, 1974 (Karnataka Act 36 of 1974);

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Karnataka Electricity Supply Undertakings (Acquisition) (Amendment) Act, 1978.

(2) It shall come into force at once.

2. Amendment of Section 13.—In sub-section (2) of section 13 of the Karnataka Electricity Supply Undertakings (Acquisition) Act, 1974 (Karnataka Act 36 of 1974), for the words "three years", the words "five years" shall be and shall always be deemed to have been substituted.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Stry. & Publications at the Govt. Press, B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, FRIDAY, SEPTEMBER 22, 1978
(BHADRAPADA 31, SAKA ERA 1900)

No. 1272

Law and Parliamentary Affairs Secretariat

Notification No. LAW 63 LGN 77.

Bangalore, dated 21st September 1978.

Ordered that the **Karnataka Sheep and Sheep Products Development (Amendment) Act, 1978** which received the assent of the Governor on the Sixteenth day of September 1978 be published as Karnataka Act No. 22 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 22 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Twenty Second day of September* 1978)

THE KARNATAKA SHEEP AND SHEEP PRODUCTS DEVELOPMENT (AMENDMENT) ACT, 1978

(Received the assent of the Governor on the Sixteenth day of September 1978)

An Act to amend the Mysore Sheep and Sheep Produets Development Act, 1973

WHEREAS it is expedient to amend the Mysore Sheep and Sheep Products Development Act, 1973 (Karnataka Act 12 of 1974) ;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India, as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Sheep and Sheep Products Development (Amendment) Act, 1978.

(2) It shall come into force at once.

2. Substitution of the expression "Karnataka" for the expression "Mysore".—In the Mysore Sheep and Sheep Products Development Act, 1973 (Karnataka Act 12 of 1974) (hereinafter referred to as the principal Act) for the expression "Mysore" wherever it occurs, including the long title and preamble, the expression "Karnataka" shall be substituted.

3. Amendment of section 1.—For sub-section (3) of section 1 of the principal Act, the following sub-section shall be and shall always be deemed to have been substituted, namely :—

"(3) It shall come into force on the first day of March 1975".

4. **Validation.**—Anything done or any action taken or purported to have been done or taken under the principal Act before the commencement of this Act, shall be deemed to have been validly done or taken and shall have effect for all purposes, as if it had been done or taken by or under the provisions of the principal Act as amended by section 3 of this Act and accordingly no legal proceedings shall be entertained or continued in any court or other authority on the ground that such thing was done or action was taken under or in pursuance of the provisions which were not valid or not in force at that time.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Reg. No. KRNA—25.

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV-2-C (ii)

BANGALORE, WEDNESDAY SEPTEMBER 20, 1978
(BHADRAPADA 29, SAKA ERA 1900).

No. 1263

Housing and Urban Development Secretariat

Notification No. HUD 149 MEL 78.

Bangalore, dated 19th September 1978.

In exercise of the powers conferred under section 315 of Karnataka Municipalities Act 1964, the Government of Karnataka hereby appoints the Tahsildar, Malavalli as Administrator, Town Municipal Council, Malavalli in addition to his own duties for a period of one year from 20th September 1978 or till the Council is reconstituted or until further orders, whichever is earlier.

By Order and in the name of the Governor of Karnataka,

N. Shantharaju,

Under Secretary to Government,
Housing and Urban Dev Department.

S. O. 2404

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, SEPTEMBER 26, 1978
(ASVIJA 4, SAKA ERA 1900)

No. 1279

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 28 LGN 78

Bangalore, dated 25th September 1978.

Ordered that the **Karnataka Electricity (Taxation on Consumption) (Amendment) Ordinance, 1978** Promulgated by the Governor of Karnataka in the Twenty Ninth Year of the Republic of India be published as Karnataka Ordinance No. 11 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 11 OF 1978.

THE KARNATAKA ELECTRICITY (TAXATION ON CONSUMPTION) (AMENDMENT) ORDINANCE, 1978

(Promulgated by the Governor of Karnataka in the Twenty-Ninth Year of the Republic of India and first published in the Karnataka Gazette *Extraordinary on the Twenty-sixth day of September, 1978).*

An Ordinance further to amend the Karnataka Electricity (Taxation on Consumption) Act, 1959.

Whereas the Karnataka Legislative Assembly is not in session and only the Karnataka Legislative Council is in session, and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Electricity (Taxation on Consumption) Act, 1959 (Karnataka Act No. 14 of 1959);

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Karnataka Electricity (Taxation on Consumption) (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Amendment of section 7.**—In section 7 of the Karnataka Electricity (Taxation on Consumption) Act, 1959 (Karnataka Act No. 14 of 1959), for the word 'twelve' the word 'fifteen' shall be substituted.

GOVIND NARAIN
GOVERNOR OF KARNATAKA.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'loo

Reg. No. KRNA—23

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

Part IV 2-B

BANGALORE, FRIDAY, SEPTEMBER 22, 1978
(BHADRAPADA 31, SAKA ERA 1900)

No. 1275

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 43 LGN 78.

Bangalore dated 22nd September 1978

Ordered that the Karnataka Preservation of Trees (Amendment) Ordinance, 1978 promulgated by the Governor of Karnataka in the Twenty Ninth Year of the Republic of India be published as Karnataka Ordinance No. 10 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 10 OF 1978

THE KARNATAKA PRESERVATION OF TREES (AMENDMENT) ORDINANCE, 1978.

(Promulgated by the Governor of Karnataka in the Twenty-Ninth year of the Republic of India and first published in the *Karnataka Gazette* Extraordinary on the Twenty-second day of September, 1978)

An Ordinance further to amend the Karnataka Preservation of Trees Act, 1976.

Whereas the Karnataka Legislative Assembly is not in session and only the Karnataka Legislative Council is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Preservation of Trees Act, 1976 (Karnataka Act 76 of 1976) ;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement** :—(1) This Ordinance may be called the Karnataka Preservation of Trees (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Insertion of New Section 27A.**—After section 27 of the Karnataka Preservation of Trees Act, 1976 (Karnataka Act 76 of 1978), the following section shall be inserted, namely : -

"**27A. Exemption of certain areas from operation of this Act.**— The State Government may, by notification and subject to such restrictions and conditions as may be specified in such notification, exempt any area or areas from the provisions of this Act."

GOVIND NARAIN,
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka.

K. R. CHAMAYYA,
Draftsman and Ex-officio *Additional Secretary to Government*
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE FRIDAY, SEPTEMBER 29, 1978
(ASVIJA 7, SAKA ERA 1900). | **No.** 1296

Law and Parliamentary Affairs Secretariat

Notification No. LAW 53 LGN 78
Bangalore, dated 28th September 1978.

Ordered that the **Karnataka Village Panchayats and Local Boards (Second Amendment) Act, 1978** which received the assent of the Governor on the twenty-seventh day of September, 1978, be published as Karnataka Act No. 25 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 25 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Twenty-ninth day of September* 1978)

THE KARNATAKA VILLAGE PANCHAYATS AND LOCAL BOARDS (SECOND AMENDMENT) ACT, 1978.

(Received the assent of the Governor on the Twenty-seventh day of September, 1978)

An Act further to amend the Karnataka Village Panchayats and Local Boards Act, 1959.

Whereas it is expedient further to amend the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act 10 of 1959) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1 .Short title and commencement.—(1) This Act may be called the Karnataka Village Panchayats and Local Boards (Second Amendment) Act, 1978.

(2) Section 4 shall be deemed to have come into force on the 1st day of April 1978 and section 37 shall be deemed to have come into force on the twelfth day of June 1975, and the remaining sections shall come into force at once.

2 Amendment of section 2.—In section 2 of the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act 10 of 1959) (hereinafter referred to as the principal Act), in clause (37), for the words "Scheduled Castes means" the words "Scheduled Castes" and "Scheduled Tribes" means" shall be substituted.

3 Amendment of section 5.—In section 5 of the principal Act,—

(1) in sub-section (2),—

(a) for the words "Scheduled Castes" the words "Scheduled Castes, Scheduled Tribes" shall be substituted;

(b) in the first proviso for the words "Scheduled Castes in the two places where they occur, the words

"Scheduled Castes and Scheduled Tribes" shall be substituted ;

(c) in the second proviso, after the words " Scheduled Castes" the words "and Scheduled Tribes shall be inserted ;

(2) in clause (d) of sub-section (3), for the words " Scheduled Castes " the words " Scheduled Castes, Scheduled Tribes " shall be substituted.

4 Amendment of section 8.—In section 8 of the principal Act,—

(1) in sub-section (1), after the words "before the expiry of the term", the words "or if all the members have resigned or their seats have become vacant", shall be inserted.

(2) in sub-section (2), for the words, brackets and figure " not exceeding one year as the Deputy Commissioner may specify in the notification under sub-section (1) ", the words, brackets and figure " as the Deputy Comissioner may specify in the notification under sub-section (1) and he may, notification, curtail or extend the period so specified " shall bes ubstituted.

5. Amendment of section 9.—Explanation to section 9 of the principal Act shall be omitted.

6. Amendment of section 10.—For the proviso to section 10 of the principal Act, the following proviso shall be substituted, namely :—

" Provided that no person shall be qualified to be elected to any seat reserved for the Scheduled Castes or the Scheduled Tribes or women unless such person is a member of any such caste or tribe or is a woman as the case may be ".

7. Amendment of section 11.—In section 11 of the principal Act, in clause (d), for the words, figures, and brackets "under section 108 of the Code of Criminal Procedure 1898, (Central Act V of 1898)," the words, figures and brackets "under section 117 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted.

8. Amendment of section 13.—In section 13 of the principal Act,—

(1) the explanation to sub-section (1) shall be omitted;

(2) in sub-section (6), for the word "five" the word "six" shall be substituted.

9. Amendment of section 24.—In section 24 of the principal Act, for the words " four years " the words " five years " shall be substituted.

10. Amendment of section 30.—In section 30 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

" (2) No election of the Chairman or the Vice-Chairman shall be called in question except by an election petition before the prescribed judicial officer, presented by any candidate at such election or any other member of the Panchayat, within fifteen days from the date of the election of the Chairman or the Vice-Chairman on one or more grounds specified in sub-section (3). The election petition shall be accompanied by a deposit of one hundred rupees as security for costs.

(3) If the prescribed judicial officer, after such enquiry as he deems necessary is of opinion,—

(a) that any corrupt practice has been committed by the returned candidate; or

(b) that any nomination has been improperly rejected; or

(c) that the result of the election, in so far as it concerns the returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination;

(ii)by improper reception, refusal or rejection of any vote or the reception of any vote which is void; or

(iii) by any non-compliance with the provisions of this Act or of any rules or orders made under this Act,

the prescribed judicial officer shall declare the election of the returned candidate to be void.

(4) The provisions of sub-section (4) of section 13 shall **mutatis mutandis** apply to decide whether the returned candidate has committed corrupt practice."

11. Amendment of section 42.—In section 42 of the principal Act, after clause (b), the following clause shall be inserted, namely :—

"(bb) welfare of Scheduled Castes and Scheduled Tribes ;"

12. Amendment of section 43.—In section 43 of the principal Act, in sub-section, (1), clause (w) shall be omitted.

13. Amendment of section 51.—In section 51 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) (a) In addition to the committees specified in sub-section (2), every Panchayat shall constitute a Social Justice Commitee consisting of—

(i) members of the Panchayat belonging to Scheduled Castes and Scheduled Tribes ;

(ii) women members of the Panchayat ; and

(iii) not more than three representatives of the weaker sections nominated by the Tahasildar.

(b) The Chairman of the Panchayat shall **ex-officio** be a member and the chairman of the Social Justice Committee. The said Committee shall, subject to such instructions as the Panchayat may give from time to time, perform such functions as may be prescribed for securing social justice to the Scheduled Castes, the Scheduled Tribes and other weaker sections of the society".

14. Amendment of section 73.—In sub-section (1) of section 73 of the principal Act, clauses (b) and (c) and the proviso shall be omitted.

15. Amendment of seciton 78.—In section 78 of the principal Act,—

(1) after sub-section (3), the following sub-section shall be inserted, namely :—

"(3A) The Government shall assign to every Panchayat fifty per cent of the local cess on land revenue collected in the area within the jurisdiction of a Panchayat under section 163.";

(2) in sub-section (4), for the brackets, figures and word "(1) and (2)" the brackets, figures, word and letter "(1), (2) and (3A)" shall be substituted.

16. Amendment of section 95.—For sub-section (1) of section 95 of the principal Act, the following sub-section shall be substituted, namely :—

"(1) For each Taluk excluding such areas as are included in a city under the Karnataka Municipal Corporations Act, 1976 or in a municipality or as are under the authority of a Sanitary Board or a Notified Area Committee constituted under the Karnataka Municipalities Act, 1964 or any other law for the time being in force, there shall be a Taluk Development Board having jurisdiction over the Taluk excluding the areas aforesaid.".

17. Amendment of section 96.—In section 96 of the principal Act,—

(1) in sub-section (1),—

(a) for the words "in each taluk" the words "within the jurisdiction of the concerned Taluk Board" shall be substituted;

(b) for the words "Scheduled Castes" the words "Scheduled Castes, Scheduled Tribes" shall be substituted.

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) The members of the State Legislative Assembly representing the whole or any part of the area within the jurisdiction of the Taluk Board and the Members of the State Legislative Council permanently residing within such area shall be entitled to take part in the proceedings of, and vote at, the meetings of such Taluk Board."

18. Amendment of section 97.—In section 97 of the principal Act, for the words " a municipality or area under the authority of the Sanitary Board, Town Board, Town Area Committee, Notified Area Committee or Contonment Board" the words "a city under the Karnataka Municipal Corporations Act, 1976, a municipality or as are under the authority of a Sanitary Board or a Notified Area Committee constituted under the Karnataka Municipalities Act, 1964 or any other law for the time being in force " shall be substituted.

19. Amendment of section 98.—In section 98 of the principal Act,—

(1) in the heading after the words " Castes " the words " and Scheduled Tribes " shall be inserted ;

(2) for the words " for the Scheduled Castes " the words " for Scheduled Castes and Scheduled Tribes ", shall be substituted ;

(3) for the words " the Scheduled Castes in the Taluk bears to the total population of the taluk" the words "the Scheduled Castes or the Scheduled Tribes, as the case may be, within the jurisdiction of the Taluk Board bears to the total population within the jurisdiction of the Taluk Board " shall be substituted.

20. Amendment of section 100.—In section 100 of the principal Act, in clause (d) of sub-section (1), for the words " Scheduled Castes " the words " Scheduled Castes, Scheduled Tribes ", shall be substituted.

21. Amendment of section 101.—The Explanation to section 101 of the principal Act, shall be omitted.

22. Amendment of section 102.—In section 102 of the principal Act,—

(1) in sub-section (2), for the words "in the revenue taluk", the words "in the area" shall be substituted;

(2) in sub-section (3), for clause (i), the following clause shall be substituted, namely :—

"(i) in the case of a seat reserved for Scheduled Castes or Scheduled Tribes, such person is a member of such caste or tribe, as the case may be ; and".

23. Amendment of section 103.—In sub-section (1) of section 103 of the principal Act,—

(1) in clause (b), for the words, figures and brackets "under section 118 of the Criminal Procedure Code, 1898 (Central Act V of 1898)" the words brakets and figures "under section 117 of the Criminal Procedure Code, 1973 (Central Act 2 of 1974)" shall be substituted.

(2) for clause (g), the following clause shall be substituted, namely :—

"(g) if he is a voter in a city under the Karnataka Municipal Corporations Act, 1976, a municipality, a Sanitary Board or a Notified Area Committee referred to in section 95 ; or".

24. Amendment of section 105.—In sub-section (1) of section 105 of the principal Act, for the words "Taluk Board constituency", the words "constituency of the Taluk Board" shall be substituted.

25. Amendment of section 106.—In section 106 of the principal Act,—

(1) the explanation to sub-section (1) shall be omitted

(2) in sub-section (6), for the word "five", the word "six" shall be substituted.

26. Amendment of section 108.—In section 108 of the principal Act, for the words "four years", the words "five years" shall be substituted.

27. Amendment of section 113.—In section 113 of the principal Act, after sub-section (2) the following sub-sections shall be inserted, namely :—

"(2A) No election of the President or the Vice-President shall be called in question except by an election petition before the prescribed judicial officer, presented by any candidate at such election or any other member of the Taluk Board, within fifteen days from date of the election of the President or the Vice-President, as the case may be, on one or more grounds specified in sub-section (2B). The election petition shall be accompanied by a deposit of two hundred rupees as security for costs.

(2B) If the prescribed judicial officer, after such enquiry as may be prescribed is of opinion,—

(a) that any corrupt practice has been committed by the returned candidate ; or

(b) that any nomination has been improperly rejected ;

(c) that the result of such election, in so far as it concerns the returned candidate, has been materially affected,—

(i) by the improper acceptance of any nomination,

(ii)by improper reception, refusal or rejection, of any vote or by the reception of any vote which is void ; or

(iii) by any non-compliance with the provisions of this Act or of any rules or orders made under this Act,

the prescribed judicial officer shall declare the election of the returned candidate to be void.

(2C) The provisions of sub-section (4) of section 106 shall **mutatis mutandis** apply to decide whether the returned candidate has committed corrupt practice."

28. Amendment of section 118.—In sub-section (2) of section 118 of the principal Act, for the words "**within the taluk**", the words "within the jurisdiction of the Taluk Board" shall be substituted..

29. Amendment of section 124.—In section 124 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) In addition to the committees specified in sub-section (1) every Taluk Board shall constitute a Social Justice Committee consisting of—

(i) members of the Taluk Board belonging to Scheduled Castes and Scheduled Tribes,

(ii) women members of the Taluk Board ; and

(iii) not more than three representatives of the weaker sections nominated by the Deputy Commissioner."

30. Amendment of gsection 125.—After sub-section (3) of section 125 of the principal Act, the following sub-section shall be inserted, namely :—

"(4) The Social Justice Committee, shall, subject to such instructions as the Taluk Board may give from time to time, perform such functions as may be prescribed for securing social justice to the Scheduled Castes, the Scheduled Tribes and weaker sections of the society."

31. Amendment of section 130.—In section 130 of the principal Act, in sub-section (1)—

(1) after clause (i), the following clause shall be inserted, namely :—

"(ia) establishment, management and maintenance of primary and pre-primary schools ;"

(2) after clause (ii), the following clause shall be inserted, namely :—

"(iia) take measures for amelioration of Scheduled Castes and Scheduled Tribes ;"

32. Amendment of section 131.—In section 131 of the principal Act, in clause (A), sub-clause (viii) shall be omitted.

33. Amendment of section 163.—In section 163 of the principal Act,—

(1) in sub-section (1), for the words "twelve naye paise" the words "fifty paise" shall be substituted;

(2) sub-sections (2) to (6) shall be omitted.

34. Amendment of section 165.—In sub-section (4) of section 165 of the principal Act, for the words "the entire local cess on land revenue" the words "fifty per cent of the local cess on land revenue" shall be substituted.

35. Amendment of section 204.—In section 204 of the principal Act,—

(1) in the heading the words "and Town Area Committees" shall be omitted;

(2) the words "or a Town Area Committee or Committees" shall be omitted.

36. Amendment of section 205.—In section 205 of the principal Act, in sub-section (1), the words "or any Town Area Committee" shall be omitted.

37. Amendment of section 239.— In section 239 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) For the Taluk Board reconstituted or established under the provisions of sub-section (1), the Government may either appoint an Administrator or nominate members and where members are nominated such members shall, as far as may be practicable, be persons who are members of the Taluk Board which has been dissolved under sub-section (1)."

38. Amendment of Schedule I.—In Schedule I to the principal Act,—

(1) item B, Tax on professions, trades, callings and employments and the entries thereunder shall be omitted.

(2) item B, Tax on places of trade or business and the entries thereunder shall be omitted.

39. Validation.—Notwithstanding any judgment, decree or order of any court, no appointment of an administrator or an officer, or the extension of the term of such administrator or officer, to exercise and perform the powers and duties of a Panchayat made at any time before the commencement of section 1 of the Karnataka Village Panchayats and Local Boards (Second Amendment) Act, 1978 under the provisions of the Act shall be deemed to be illegal or void or ever to have become illegal or void by reason only of the fact that such appointment or extension of the term was not made in accordance with the provisions of the Act and shall be deemed to be as valid and effective as if they have been made in accordance with the provisions of the pincipal Act as amended by this Act and accordingly powers exercised or duties performed or any other act done or action taken by such Administrator or other officer before the commencement of section 1 of the Karnataka Village Panchayats and Local Boards (Second Amendment) Act, 1978 shall be deemed to have been done or taken in accordance with law."

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bloro.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, FRIDAY, SEPTEMBER 29, 1978
(ASVIJA 7, SAKA ERA 1900)

No. 1295

Law and Parliamentary Affairs Secretariat

Notification No. LAW 25 LGN 78.

Bangalore, dated 28th September 1978.

Ordered that the **Karnataka Municipal Corporations (Amendment) Act, 1978** which received the assent of the Governor on the Twenty-Seventh day of September 1978 be published as Karnataka Act No. 24 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 24 OF 1978.

(*First published in the* Karnataka Gazette *Extraordinary on the Twenty-ninth day of September, 1978*).

THE KARNATAKA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1978.

(*Received the assent of the Governor on the Twenty-seventh day of September, 1978*).

An Act to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:-

1. Short title and commencement.—(1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 1978.

(2) This section, sections 2, 3, 4, 5, 6, 7, 8, 9 and 12 shall come into force at once. Sections 10 and 11 shall be deemed to have come into force on the first day of June 1977.

2. Amendment of section 7.—In section 7 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) (hereinafter referred to as the principal Act),—

(1) in sub-section (2),—

(a) for the words "women and labourers" the words "and women" shall be substituted ;

(b) in clause (b), for the words "and labourers of industrial establishment located in the city shall be, four

and two respectively" the words "shall be four" shall be substituted ;

(2) in sub-section (5), for the words " or women and labourers" the words "and women" shall be substituted.

3. Amendment of section 21.—In sub-section (1) of section 21 of the principal Act,—

(1) in clause (b) for the words "three or more" the words "one or more" shall be substituted ;

(2) in clause (c), for the words "women and Labourers" the words "and women" shall be substituted.

4. Amendment of section 22.—In section 22 of the principal Act,—

(1) the words "or the category of reserved seats" shall be omitted ,

(2) the proviso shall be omitted.

5. Amendment of section 23.—In section 23 of the principal Act,—

(1) in sub-section (1), for the words, bracket, figure "Subject to the provisions of sub-section (2), the electoral roll" the words "The electoral roll" shall be substituted ;

(2) sub-section (2) shall be omitted.

6. Amendment of section 25.—In section 25 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) No person shall be qualified for election as a councillor unless his name is included in the electoral roll of any division of the city and in respect of any seats reserved for the Scheduled Castes or the Scheduled Tribes or women such person is a member of any such Caste or Tribe or is a woman as the case may be".

(2) in sub-section (2), for the words "city and no member of the State Legislature" the words "city, and no person who is" shall be substituted.

7. Amendment of section 55.—In clause (g) of sub-section (1) of section 55 of the principal Act, the words "or labourers" shall be omitted.

8. Amendment of section 88.—In section 88 of the principal Act, in the proviso to sub-section (3), for the words "three hundred and fifty" the words "nine hundred" shall be substituted.

9. Amendment of section 112.—In section 112 of the principal Act, in sub-section (1), for the proviso to clause (a), the following provisos shall be substituted, namely :—

"Provided that the property tax due in respect of premises owned by the Government and occupied by any person on payment of rent. shall be payable by the Government :

Provided further that no property tax shall be payable in respect of premises owned by the Corporation and occupied by any person on payment of rent"

10. Amendment of section 503.—In section 503 of the principal Act, in sub-section (3), after clause (c), the following clause shall be inserted, namely :—

"(cc) Where, under the provisions of section 315 or section 316 of the Karnataka Municipalities Act, 1964 either an administrator or an officer has been appointed, to exercise the powers and perform the duties of the Municipal Council, then, such administrator or officer shall be deemed to be an Administrator appointed under section 99 for a period of one year. The Government may, if in its opinion it is necessary so to do, curtail the said period or extend the same under section 101. The advisory

council, if any, appointed to advise and assist the administrator appointed under section 315 of the Karnataka Municipalities Act, 1964 shall be deemed to be an Advisory Committee appointed under sub-section (6) of section 99 ;''.

11. Amendment of section 506—In section 506 of the principal Act, in sub-section (1), after clause (iv), the following clauses shall be inserted namely :—

"(v) Where, under the provisions of the City of Bangalore Municipal Corporation Act, 1949 or the Bombay Provincial Municipal Corporation Act, 1949 either an Administrator or a person has been appointed to exercise the powers and perform the duties of the Corporation, and the Standing Committees and other Committees, then, such administrator or person shall be deemed to be an Administrator appointed under section 99 for a period of one year. The Government may, if in its opinion it is necessary so to do, extend the said period under section 101.

(vi) all officers and servants in the employment of the Corporation of the City of Bangalore and the Hubli-Dharwar Corporation, immediately before the commencement of this Act, shall become officers and servants of the respective Corporations under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled to immediately before such date :

Provided that it shall be competent to the respective Corporations, subject to the previous sanction of the Government, to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the service under it after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he

would have been entitled to take or receive on being invalidated out of service, as if the Corporation, in the employ of which he was, had not ceased to exist".

12. Validation.--Notwithstanding anything contained in any law, judgment, decree or order of any court or any other authority an Administrator appointed under the Acts repealed by section 507 of the principal Act or under the Karnataka Mùnicipalities Act 1964 and continued after the coming into force of this Act or after the conversion of a City Municipality into a City under this Act, as the case may be shall be deemed to have been continued and appointed in accordance with the provisions of the principal Act as amended by this Act and accordingly, any order issued, anything done or any proceeding or action taken or purported to be issued, done or taken by such Administrator shall for all purposes be deemed to be and to have always been issued, done or taken in accordance with the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing Sty. & Publns. at the Govt. Press, B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, OCTOBER, 18 1978
(ASVIJA 26, SAKA ERA 1900).

No. 1328

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No: LAW 73 LGN 75,

Bangalore dated 17th October 1978.

Ordered that the **Karnataka Industrial Areas Development (Amendment) Act, 1978,** which received the assent of the Governor on the Thirteenth day of October, 1978 be published as Karnataka Act No. 27 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 27 OF 1978.

(First published in the Karnataka Gazette *Extraordinary on the eighteenth day of October 1978),*

THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT (AMENDMENT) ACT, 1978

(Received the assent of the Governor on the thirteenth day of October 1978).

An Act further to amend the Karnataka Industrial Areas Development Act, 1966.

Whereas it is expedient further to amend the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966);

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Karnataka Industrial Areas Development (Amendment) Act, 1978.

(2) It shall come into force at once.

2. Insertion of new section 34 A.—After section 34 of the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966), the following section shall be inserted, namely:—

"**34A. Demolition or alteration of unauthorised construction or alteration.**—(1) If any person constructs or alters any building or commences or carries on such construction or alteration in contravention of the Act or rules made thereunder or of any regulation or condition subject to which permission has been given for such construction or alteration, the Executive Member may, whether or not the offender be prosecuted under this Act, by notice,

(a) require the offender to show sufficient cause by a written statement signed by him and sent to the Executive Member on or before such date as may be specified in the notice, why such construction or alteration should not be demolished or altered ; or

(b) require the offender to appear before the Executive Member either personally or by a duly authorised agent on such date and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Executive Member why the construction or alteration should not be so demolished or altered, the Executive Member may pass an order directing such demolition or alteration by such period not exceeding two months as may be specified in the order.

(3) If the person against whom an order for demolition or alteration is made under sub-section (2) fails to comply with the said order, the Executive Member may cause such demolition or alteration to be made and may order that the expenses incurred therefor shall be recoverable from the person concerned as arrears of land revenue.

(4) No order to recover the expenses incurred for demolition or alteration as arrears of land revenue shall be passed under sub-section (3) unless the person concerned is required by notice to show cause why the expenses should not be so recovered and is given an opportunity of being heard.

(5) Any person aggrieved by an order under sub-section (2) may within thirty days of the said order appeal to the Board, which, after hearing the parties to the appeal may either allow or dismiss the appeal or vary any part of the said order.

(6) Any person aggrieved by the order passed under sub-section (3), may institute a suit within three months of the said order, as regards the quantum of the amount ordered to be recovered as expenses. The time required for obtaining the copy of the order shall be excluded while computing the said period of three months.

(7) No Court shall entertain such suit unless the plaintiff has produced a receipt for having paid or deposited the entire amount to be recovered according to the order passed under sub-section (3). Subject to the result of the suit the order passed under sub-section (3) shall be final.

(8) A copy of the order under sub-section (3) or a copy of the Judgement or both, as the case may be, shall be forwarded to the Deputy Commissioner having jurisdiction, who shall thereupon proceed to recover the amount from the person concerned as if it were an arrears of land revenue.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,

Draftsman and Ex-Officio

Additional Secretary to Government,

Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, OCTOBER, 3 1978
(ASVIJA 11, SAKA ERA 1900).

No. 1391

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 49 LGN 77,

Bangalore dated 30th September 1978.

Ordered that the **Karnataka Bhoodan Yagana (Amendment Act, 1978,** which received the assent of the Governor on the Twenty-ninth day of September, 1978, be published as Karnataka Act No. 26 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 26 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Third day of October* 1978)

THE KARNATAKA BHOODAN YAGNA (AMENDMENT) ACT, 1978.

(Received the assent of the Governor on the Twenty-ninth day of September, 1978)

An Act to amend the Karnataka Bhoodan Yagna Act, 1963.

WHEREAS it is expedient to amend the Karnataka Bhoodan Yagna Act, 1963 (Karnataka Act 34 of 1963), for the purpose hereinafter appearing ;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Bhoodan Yagna (Amendment) Act, 1978.

(2) It shall come into force at once.

2. Amendment of section 4.—The provisos to sub-section (2) of section 4 of the Karnataka Bhoodan Yagna Act, 1963 (Karnataka Act 34 of 1963) (hereinafter referred to as the principal Act) shall be omitted.

3. Amendment of section 5.—In section 5 of the principal Act,—

(1) the proviso to sub-section (1) shall be omitted;

(2) in sub-section (2), the words "on the recommendation of Shri Acharya Vinoba Bhave" shall be omitted.

4. Amendment of section 13.—In sub-section (1) of section 13 of the principal Act,—

(1) the words "in consultation with Sri Acharya Vinoba Bhave" shall be omitted;

(2) for the words "recommended by Sri Acharya Vinoba Bhave" the words "appointed by the State Government" shall be substituted.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,

Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, OCTOBER, 18 1978
(ASVIJA 26, SAKA ERA 1900).

No. 1328

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 73 LGN 75,

Bangalore dated 17th October 1978.

Ordered that the **Karnataka Industrial Areas Development (Amendment) Act, 1978,** which received the assent of the Governor on the Thirteenth day of October, 1978 be published as Karnataka Act No. 27 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 27 OF 1978.

(First published in the Karnataka Gazette *Extraordinary on the eighteenth day of October 1978),*

THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT (AMENDMENT) ACT, 1978

(Received the assent of the Governor on the thirteenth day of October 1978).

An Act further to amend the Karnataka Industrial Areas Development Act, 1966.

Whereas it is expedient further to amend the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966);

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Karnataka Industrial Areas Development (Amendment) Act, 1978.

(2) It shall come into force at once.

2. **Insertion of new section 34 A.**—After section 34 of the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966), the following section shall be inserted, namely:—

"**34A. Demolition or alteration of unauthorised construction or alteration.**—(1) If any person constructs or alters any building or commences or carries on such construction or alteration in contravention of the Act or rules made thereunder or of any regulation or condition subject to which permission has been given for such construction or alteration, the Executive Member may, whether or not the offender be prosecuted under this Act, by notice ,

(a) require the offender to show sufficient cause by a written statement signed by him and sent to the Executive Member on or before such date as may be specified in the notice; why such construction or alteration should not be demolished or altered ; or

(b) require the offender to appear before the Executive Member either personally or by a duly authorised agent on such date and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Executive Member why the construction or alteration should not be so demolished or altered, the Executive Member may pass an order directing such demolition or alteration by such period not exceeding two months as may be specified in the order.

(3) If the person against whom an order for demolition or alteration is made under sub-section (2) fails to comply with the said order, the Executive Member may cause such demolition or alteration to be made and may order that the expenses incurred therefor shall be recoverable from the person concerned as arrears of land revenue.

(4) No order to recover the expenses incurred for demolition or alteration as arrears of land revenue shall be passed under sub-section (3) unless the person concerned is required by notice to show cause why the expenses should not be so recovered and is given an opportunity of being heard.

(5) Any person aggrieved by an order under sub-section (2) may within thirty days of the said order appeal to the Board, which, after hearing the parties to the appeal may either allow or dismiss the appeal or vary any part of the said order.

(6) Any person aggrieved by the order passed under sub-section (3), may institute a suit within three months of the said order, as regards the quantum of the amount ordered to be recovered as expenses. The time required for obtaining the copy of the order shall be excluded while computing the said period of three months.

(7) No Court shall entertain such suit unless the plaintiff has produced a receipt for having paid or deposited the entire amount to be recovered according to the order passed under sub-section (3). Subject to the result of the suit the order passed under sub-section (3) shall be final.

(8) A copy of the order under sub-section (3) or a copy of the Judgement or both, as the case may be, shall be forwarded to the Deputy Commissioner having jurisdiction, who shall thereupon proceed to recover the amount from the person concerned as if it were an arrears of land revenue.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,

Draftsman and Ex-Officio

Additional Secretary to Government,

Department of Law and Parliamentary Affairs.

Printed the ... at the Govt. Press, B'lore.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE TUESDAY, DECEMBER 26, 1978
(PUSHYA 5, SAKA ERA 1900). | No. 1500

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 50 LGN 78

Bangalore, dated 26th December 1978.

Ordered that the **Karnataka Legislature Salaries (Amendment) Act, 1978** which received the assent of the Governor on the Nineteenth day of December, 1978, be published as Karnataka Act No. 31 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 31 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the Twenty-sixth day of December* 1978).

THE KARNATAKA LEGISLATURE SALARIES (AMENDMENT) ACT, 1978.

(*Received the assent of the Governor on the Nineteenth day of December* 1978).

AN ACT further to amend the Karnataka Legislature Salaries Act, 1956.

Whereas it is expedient further to amend the Karnataka Legislature Salaries Act, 1956 (Karnataka Act 2 of 1957) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Karnataka Legislature Salaries (Amendment) Act, 1978.

(2) This section, sections 2, and 3, clause (1) of section 7, sections 8, 9, clause (1) of section 14, sections 15, 18 and 21 shall come into force at once, sections 17, 19 and 20 shall be deemed to have come into force on 1st day of April 1978, sections 11, 12, 13 and sub-section (2) of section 14 shall be deemed to have come into force on 19th July 1976, section 5 and sub-section (2) of section 7 in so far as they relate to sections 10B and 10D of the principal Act shall be deemed to have come into force on 14th October, 1974, sub-section (2) of section 10 shall be deemed to have come into force on 27th May 1974, and other provisions shall be deemed to have come into force on 23rd March 1972.

2. **Amendment of long title and the preamble.**—In the long title to and the preamble of the Karnataka Legislature Salaries Act, 1956 (Karnataka Act 2 of 1957) (in this Act, referred to as the principal Act), for the words "salaries and allowances", the words "salaries, pensions and allowances" shall be substituted.

3. **Amendment of section 1.**—In section 1 of the principal Act, after the word "Salaries", the words "and Pensions" shall be inserted.

4. Amendment of sections 3 and 10A.—In sections 3 and 10A of the principal Act, for the words "one thousand and two hundred rupees" the words "one thousand seven hundred and fifty rupees" shall be substituted.

5. Amendment of sections 4 and 10B.—In sections 4 and 10 B of the principal Act, the words "without payment of rent" shall be omitted and for the words "fifteen days" and "three hundred and fifty rupees" the words "sixty days" and "five hundred rupees" shall respectively be substituted.

6. Amendment of section 5.—In section 5 of the principal Act, for the words "three hundred and fifty" the words "seven hundred and fifty" shall be substituted.

7. Amendment of sections 6 and 10D.—In sections 6 and 10D of the principal Act,—

(1) in clause (a), the words "and oil" shall be omitted; and

(2) for clause (b), the following clause shall be substituted, namely:—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence."

8. Amendment of section 8.—In section 8 of the principal Act,—

(1) in the heading and in sub-sections (1), (2), (2A) and (2B), for the words "Deputy Speaker" wherever they occur, the words "Deputy Speaker, the Leaders of the Opposition and the Government Chief Whips" shall be substituted;

(2) in sub-section (2),—

(a) in clause (b), for the words "seventy five paise" the words "one rupee" shall be substituted;

(b) in clause (d), for the word "thirty" the word "fifty" shall be substituted;

(c) in the first proviso to clause (d), for the words "fifty" the words "seventy five" shall be substituted.

9. Amendment of section 9.—In section 9 of the principal Act,—

(1) after the words "Deputy Speaker" in the two places where they occur, the words "the Leaders of the Opposition and the Government Chief Whips" shall be inserted;

(2) in the Explanation after the words "this section" the words and figures "and section 12" shall be inserted.

10. Amendment of section 10.—In section 10 of the principal Act,—

(1) in sub-section (1), for the words "eight hundred", the words "one thousand and five hundred" shall be substituted;

(2) in sub-section (2), for the words "five hundred", the words "seven hundred and fifty" shall be substituted.

11. Amendment of section 10E and 10J.—In sections 10E and 10J of the principal Act, for the words "one thousand and two hundred rupees" and "one thousand rupees" the words "one thousand seven hundred and fifty rupees" and "one thousand and five hundred rupees" shall respectively be substituted.

12. Amendment of sections 10F and 10K.—In sections 10F and 10K of the principal Act, the words "without payment of rent" shall be omitted and for the words "fifteen days" and "three hundred and fifty rupees" the words "sixty days" and "five hundred rupees" shall respectively be substituted.

13. Amendment of sections 10G and 10L.—In sections 10G and 10L of the principal Act, for the words "five hundred" the words "seven hundred and fifty" shall be substituted.

14. Amendment of sections 10 I and 10N.—In sections 10I and 10N of the principal Act,—

(1) in clause (a), the words "and oil" shall be omitted;

(2) for clause (b), the following clause shall be substituted, namely:—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the resid[illegible]"

15. "Ommission of section 10H and 10M.—Sections 10H and 10M of the principal Act shall be omitted.

16. Insertion of new sections 10 O, 10P and 10Q.—After section 10N of the principal Act, the following sections shall be inserted, namely:—

"**10 O. Application of Act to Whips.**—If a Minister or a Minister of State or a Deputy Minister is appointed as a Government Chief Whip, he shall not be entitled to any salary or allowances specified in this Act and he shall be governed by the provisions of the Karnataka Ministers Salaries and Allowances Act, 1956.

10P. Government to bear electricity and water charges in certain other cases.—In respect of the residence of the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, the Leaders of the Opposition and the Government Chief Whips, who does not avail the facility of furnished residence, monthly charges in excess of two hundred rupees for consumption of electricity and water together in his residence shall be borne by the State Government.

10 Q. Deductions in respect of house rent etc.—There shall be deducted every month from the salary payable to the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, a Leader of the Opposition and a Government Chief Whip,—

(*a*) a sum equal to ten per cent of his salary as house rent if he is in occupation of a residence provided by the State Government;

(b) a sum equal to two and a half per cent of his salary as rent of the furnishings of his residence if the same has been furnished by the State Government.

17. Amendment of section 11.—In section 11 of the principal Act,—

(1) in the heading, the words "and special allowance" shall be omitted.

(2) in sub-section (1),—

(i) for the words "a salary of rupees two hundred any fifty per mensem and a special allowance of rupees two hundred and fifty per mensem" the words "a salary of

(ii) in the first, second and third provisos the words "and special allowance" wherever they occur, shall be omitted;

(3) in sub-section (2), the words "or special allowance" in the two places where they occur, shall be omitted.

18. Insertion of new sections 11A, 11B and 11C—After section 11 of the principal Act, the following sections shall be inserted namely :—

"11A. **Pension to the members etc.**—(1) With effect from the date of commencement of section 1 of the Karnataka Legislature Salaries (Amendment) Act, 1978, there shall be paid, to every person, who has served after the first day of January 1952, for a period of five years as,—

(i) a member of the Legislative Council; or

(ii) a member of the Legislative Assembly; or

(iii) partly as a member of the Legislative Assembly and partly as a member of the Legislative Council,

a pension of three hundred rupees per mensem for the remainder of his life:

Provided that where any person has served as aforesaid for not less than ten years, there shall be paid to him a pension of five hundred rupees per mensem:

Provided further that where a member has been prevented from serving as such for five years on account of dissolution of the Legislative Assembly, he shall be deemed to have served as member for five years.

Explanation :—For the purpose of this sub-section, a member of the Legislative Assembly or the Legislative Council includes a person who prior to the 1st day of November 1956 represented any of the areas which with effect on and from the said date have become part of the new State of Karnataka, as a member of the Legislative Assembly or the Legislative Council of the State of which the said areas were part:

Provided that in the case of a nominated member of the Legislative Assembly or the Legislative Council he shall be eligible for the pension if during his membership of the Legislative Assembly or the Legislative Council, he ermanently resided in any area which forms part of the te of nataka.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the Office of the President or Vice-President of India or is appointed to the office of the Governor of any State or the Administrator of any Union territory ; or

(ii) is appointed or elected to the office of a Minister, a Minister of State, a Deputy Minister, a Chairman, Speaker, a Deputy Chairman, a Deputy Speaker, a Leader of the Opposition or a Government Chief Whip ;

(iii) becomes a Member of the Council of State, or the House of the People or the Legislative Assembly of a State or Union Territory or any Legislative Council of a State ; or

(iv) is employed on a salary in any State Government or Central Government or any Corporation owned or controlled by any State Government or the Central Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed or continues to be entitled to such remuneration :

Provided that where the salary payable to such person for holding such office or being such member or so employed or where the remuneration referred to in clause (iv) payable to such person is in either case less than the pension payable to him under sub-section (1), such person shall be entitled to receive only the balance as pension under that sub-section.

(3) Where any person entitled to receive pension under sub-section (1) is also entitled to any pension from any State Government or the Central Government or any Corporation owned or controlled by any State Government or the Central Government or any Local Authority, under any law or otherwise then,—

(a) where the amount of pension to which he is titled nder suc la or ot e se, is l to in

such person shall not be entitled to any pension under the said sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to receive only the difference as pension under that sub-section.

(4) In computing the number of years, for the purpose of sub-section (1), the period during which a person has served in any one or more of the following capacities, namely, a Minister, a Minister of State, a Deputy Minister, a Parliamentary Secretary, the Chairman, the Speaker a Leader of the Opposition or a Government Chief Whip by virtue of his membership of the Legislative Assembly or the Legislative Council, shall also be taken into account.

11B. Family Pension.—(1) Subject to such rules as may be prescribed, where a person eligible to pension under section 11A or under the Karnataka Ministers Salaries, Pensions and Allowances Act 1956 dies, there shall be paid to his family, a family pension at the rate of two hundred rupees per mensem for a period of ten years.

Explanation.—For the purposes of this sub-section, 'family' means, the following relatives of the deceased member, namely:—

(a) wife or the husband;
(b) minor sons; and
(c) unmarried minor daughters.

(2) The family pension admissible under sub-section (1) shall be payable in the following order,

(a) wife or husband; and

(b) the eldest among the minor sons or unmarried minor daughters, where the deceased member has no surviving spouse:

Provided that where the recipient of the family pension dies or marries or ceases to be a minor, the pension payable shall thereafter be paid to the person next lower in the order of preference.

11C. Sumptuary allowance.—(1) The Leaders of the Opposition shall be paid a sumptuary allowance of two thousand and four hundred rupees per num.

(2) The Deputy Chairman, the Deputy Speaker and the Government Chief Whips shall be paid a sumptuary allowance of one thousand and eight hundred rupees per annum".

19. Amendment of section 12.—In section 12 of the principal Act,—

(1) in the heading after the word "medical", the words "and other" shall be inserted;

(2) in clause (a), for the words, "is not provided" and "rupees fifteen", the words "is not provided or not availed" and "twenty five rupees" shall respectively be substituted;

(3) in sub-clause (i) of clause (b), for the words 'thirty-one rupees", the words "fifty-one rupees" shall be substituted.

(4) in clause (c), for the words "every member shall be entitled", the words "every member and the members of his family who are residing with and are dependent on him shall be entitled" shall be substituted;

(5) in clause (cc),—

(a) for the words "every member", the words "every member and his spouse" shall be substituted;

(b) for the words "which shall entitle him", the words "each which shall entitle them" shall be substituted.

(6) after the clause (cc), the following clause shall be inserted, namely:—

"(ccc). every member including a Minister, a Minister of State, a Chairman, a Speaker, a Deputy Chairman a Deputy Speaker, a Leader of the Opposition and a Government Chief Whip shall be provided with railway coupons which shall, subject to such rules as may be prescribed, entitle such member and his spouse to travel by first class, by any railway in India, for a distance of ten thousand kilometres in the aggregate during a period of twelve calendar months. A member shall not be entitled for any travelling or daily allowance for such j urney;"

(7) in clause (d), after the words "such rent", the words "not being less than five rupees a day" shall be inserted;

(8) after clause (f), the following clauses shall be inserted, namely :—

" (g) a member shall be entitled to have a telephone installed at Government cost at the place where he ordinarily resides. The expenditure in respect of initial deposit, installation and rental charges shall be borne by the State Government. Where a member has a telephone installed at his own cost at the place where he ordinarily resides, the rental charges in respect thereof shall be borne by the State Government;

(h) every member shall be paid an allowance of three hundred rupees per month towards meeting the expenditure incurred by him on telephone calls and postal charges and other contingencies in the discharge of his duties as a member"

20. Omission of section 12 A :—Section 12 A of the principal Act shall be omitted.

21. Amendment of section 13—In section 13, the principal Act,—

(1) in the heading, after the word "Minister the words " a Minister of State " shall be inserted.

(2) in sub-section (1), after the words, "A Minister" the words " a Minister of State ", shall be inserted.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Dept. of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, DECEMBER 26, 1978
(PUSHYA 5, SAKA ERA 1900).

No. 1501

LAW AND PARLIAMENTARY AFFAIRS' SECRETARIAT

Notification No. LAW 52 LGN 78,

Bangalore dated 26th December 1978.

Ordered that the **Karnataka Ministers' Salaries and Allowances (Amendment) Act, 1978,** which received the assent of the Governor on the Nineteenth day of December, 1978 be published as Karnataka Act No. 32 of 1978 in the *Karnataka Gazette* for general information.

KARNATAKA ACT No. 32 OF 1978

(*First published in the* Karnataka Gazette *Extraordinary on the Twenty-sixth day of December* 1978).

THE KARNATAKA MINISTERS SALARIES AND ALLOWANCES (AMENDMENT) ACT, 1978

(*Received the assent of the Governor on the Nineteenth day of December* 1978).

An Act further to amend the Karnataka Ministers Salaries and Allowances Act, 1956.

Whereas it is expedient further to amend the Karnataka Ministers Salaries and Allowances Act, 1956 (Karnataka Act 5 of 1957) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Karnataka Ministers Salaries and Allowances (Amendment) Act, 1978.

(2) This section and section 2, clause (1) of section 6, clause (1) of section 10, clause (1) of section 14, sections 16 and 17 and provisions relating to sumptuary allowance shall come into force at once and other provisions shall be deemed to have come into force on the twenty-third day of March 1972.

2 Amendment of long title, preamble and section 1.—In the long title to, preamble and section 1 of the Karnataka Ministers Salaries and Allowances Act, 1956 (Karnataka Act 5 of 1957) (hereinafter referred to as the principal Act), for the words "Salaries and Allowances" wherever they occur, the words "Salaries, Pensions and Allowances" shall be substituted.

3. Amendment of section 3.—In section 3 of the principal Act, for the words "one thousand and two hundred", the

words " one thousand seven hundred and fifty " shall be substituted and at the end the following shall be added, namely :—

" and a sumptuary allowance of two thousand and four hundred rupees per annum ".

4. Amendment of section 4.—In sub-section (1) of section 4 of the principal Act,—

(1) the words " without payment of rent " shall be omitted ;

(2) for the words " fifteen days ", the words " sixty days " shall be substituted ; and

(3) for the words " three hundred and fifty " the words " five hundred " shall be substituted.

5. Amendment of section 5.—In sub-section (2) of section 5 of the principal Act, for the words " three hundred and fifty ", the words " seven hundred and fifty " shall be substituted.

6. Amendment of section 6.—In sub-section (1) of section 6 of the principal Act,—

(1) in clause (a), the words " and oil " shall be omitted ; and

(2) for clause (b), the following clause shall be substituted, namely :—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence"

7. Amendment of section 6A.—In section 6A of the principal Act, for the words " one thousand ", the words "one thousand and five hundred", shall be substituted and at the end, the following shall be added, namely :—

" and a sumptuary allowance of two thousand and four hundred rupees per annum ".

8. Amendment of section 6B.—In sub-section (1) of section 6B of the principal Act,—

(1) the words "without payment of rent" shall be omitted;

(2) for the words "fifteen days", the words "sixty days" shall be substituted; and

(3) for the words, "three hundred and fifty", the words "five hundred" shall be substituted.

9. Amendment of section 6C.—In sub-section (2) of section 6C of the principal Act, for the words "three hundred and fifty", the words "seven hundred and fifty" shall be substituted.

10. Amendment of section 6D.—In sub-section (1) of section 6D of the principal Act,—

(1) in clause (a), the words "and oil" shall be omitted; and

(2) for clause (b), the following clause shall be substituted, namely :—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence.".

11. Amendment of section 7.—In section 7 of the principal Act, for the words, "eight hundred", the words "one thousand two hundred and fifty" shall be substituted and at the end the following shall be added, namely :—

"and a sumptuary allowance of one thousand and eight hundred rupees per annum".

12. Amendment of section 8.—In sub-section (1) of section 8 of the principal Act,—

(1) the words "without payment of rent" shall be omitted;

(2) for the words "fifteen days", the words "sixty days" shall be substituted; and

(3) for the words "two hundred and fifty", the words "five hundred" shall be substituted.

13. **Amendment of section** 9.—In sub section (2) of section 9 of the principal Act, for the words "three hundred and fifty", the words "seven hundred and fifty" shall be substituted.

14. **Amendment of section 10.**—In sub-section (1) of section 10 of the principal Act,—

(1) in clause (a), the words "and oil" shall be omitted; and

(2) for clause (b), the following clause shall be substituted, namely:—

"(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence."

15. **Insertion of new sections 10A and 10B.**—After section 10 of the principal Act, the following sections shall be inserted, namely:—

"10A. **State Government to bear electricity and water charges in certain other cases.**—In respect of the residence of a Minister, a Minister of State and a Deputy Minister, who does not avail the facility of furnished residence, monthly charges in excess of first two hundred rupees per month for consumption of electricity and water together in his residence shall be borne by the State Government.

10B. **Deductions in respect of house rent etc.**—There shall be deducted every month from the salary payable to a Minister, a Minister of State and a Deputy Minister—

(a) a sum equal to ten per cent of his salary as house rent, if he is in occupation of residence provided by the State Government;

(b) a sum equal to two and a half per cent of his salary as rent of the furnishings of his residence, if the same has been furnished by the State Government.".

16. **Amendment of section 12.**—In section 12 of the principal Act, in sub-section (2),—

(a) in clause (b), for the words "seventy five paise" the words "one rupee" shall be substituted;

(b) in clause (d), for the words "thirty rupees" the words "fifty rupees" shall be substituted;

(c) in the proviso to clause (d), for the words "fifty rupees", the words "seventy five rupees" shall be substituted.

17. **Insertion of new section 12A.**—After section 12 of the principal Act, the following section shall be inserted, namely :—

"12A. **Pension.**—(1) With effect from the date of commencement of section 1 of the Karnataka Ministers Salaries and Allowances (Amendment) Act, 1978 there shall be paid to every person who has served as a Minister, a Minister of State or a Deputy Minister, in the State of Karnataka, after the 1st day of January 1952, for a total period of not less than three years, a pension of five hundred rupees per mensum for the remainder of his life :

Provided that where any person has served as such a Minister, a Minister of State or a Deputy Minister for a period exceeding three years there shall be paid to him an additional pension of fifty rupees per mensum for every year in excess of three years ; so, however, the total pension payable to such a person shall not exceed seven hundred and fifty rupees per mensum.

Explanation 1.—For the purpose of this sub-section, a Minister, a Minister of State or a Deputy Minister, includes a person who prior to the 1st day of November 1956, represented, any of the areas which, with effect on and from the said date, have become part of the new State of Karnataka, as a Member of the Legislative Assembly or of the Legislative Council of the State of which the said areas were part and who was a Minister in such State :

Provided that in the case of a Minister, a Minister of State or a Deputy Minister who was a nominated member

of such Legislative Assembly or the Legislative Council, he shall be eligible for pension, if during his membership of the Legislative Assembly or the Legislative Council as the case may be, he permanently resided in any area which forms part of the State of Karnataka.

Explanation 2.—For the purpose of this sub-section including Explanation 1, the expression 'a Minister' includes.—

(i) a Chairman or a Deputy Chairman of the Legislative Council; or

(ii) a Speaker or a Deputy Speaker of the Legislative Assembly; or

(iii) a Leader of the Opposition or a Government Chief Whip in the Legislative Council or in the Legislative Assembly; or

(iv) a Parliamentary Secretary,

in the State of Karnataka.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the office of the President or Vice-President of India or is appointed to the office of the Governor of any State or the Administrator of any Union Territory; or

(ii) is appointed or elected to the office of a Minister, a Minister of State, a Deputy Minister, the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, a Leader of the Opposition or a Government Chief Whip;

(iii) becomes a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or

(iv) is employed on a salary in any State Government or Central Government or any Corporation owned or controlled by any State Government or the Central Government or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues,

to hold such office or as such member, or is so employed or continues to be entitled to such remuneration;

Provided that where the salary payable to such person for holding such office or being such member or so employed or where the remuneration referred to in clause (iv) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled to receive only the balance as pension under that sub-section.

(3) Where any person entitled to receive pension under sub-section (1) is also entitled to any pension from any State Government or the Central Government or any corporation owned or controlled by any State Government or the Central Government or any local authority, under any law or otherwise, then,—

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under the said sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to receive only the difference as pension under that sub-section."

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Dept. of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.